Crime-1926. I.

Alabama.

FOUR NEGROES PAY PENALTY FOR WHITE MAN'S CRIME.

Six years ago the body of John Franklin McClendon was found near Guntersville in Marshall County, Ala. McClendon had been murdered.

Four Negroes were arrested, tried, and, on circumstantial evidence, convicted and sentenced to life imprisonment. Two of these men died in prison and the other two were pardoned a few days ago. Coincident with the pardoning of these two Negroes, the former wife of John Franklin McClendon was arrested on evidence alleged to be conclusive enough to absolve the Negroes from any guilt or knowledge of the crime and implicate her and another party. The alleged evidence is a sworn statement of the confession made by the other party, Otis McClendon, to the effect that he and Mrs. John Franklin McClendon shot her husband and disposed of the body. In the meantime, Mrs. McClendon became the wife of one Cleve King, who recently killed Otis McClendon, her accomplice in the murder of her first husband. This maze of facts forms the nucleus of a story that is full of sordid action, gruesome details and pathetic imagery. It is a story of conspiracy with its usual intrigue and motives; crime with its usual horrors, and the miscarriage of justice with the usual circumstances that innocent Negroes must suffer for the imperfections in a system of justice, and for the appeasing of local vengeance when the system fails to apprehend a satisfactory culprit.

Reporter 7-17-26 Birmingham Ala.

The unusual thing here is the disclosure of the real culprit and the consequent liberation of these innocent Negroes.

This is merely one of many cases in which the courts have satisfied the hunger of prejudiced sentiment, and, in doing so, convicted innocent and defenseless Negroes to the noose or life imprisonment on the merest fabricated circumstances.

These men were charged with the murder. Very likely, somebody had to bear the blame for it. They were convicted on the evidence of another Negro who, perhaps, was hired to fabricate the meager circumstances out of his own knowledge of the crime to divert attention from the real criminals.

In principle, these men were tried by a jury of their peers, whatever that means; in practice, they had no chance to escape conviction as long as there was no information or known circumstances in the possession of the court implicating anyone else.

A trial by a jury of one's peers ought to carry something more than the technical meaning. While we appreciate the principle, the application can serve the ends of justice no more when a Negro is tried by a white jury than if a white man was tried by a Negro jury. A miscarriage of justice that always works one way must be the result of a fault in the machinery. A jury of one's peers should properly mean one's equals or one whose interests in society are common.

To have turned them free after they were accused was the veriest improbability as long as no one else was accused, or suspicioned. Somebody must atone for the crime, and the fact that the practice fails so miserably to square itself up with the principle of justice accounts for the reason that it would have been impossible to have convicted anybody but a defenseless Negro under the same conditions. Right here lies a cause for the weakness of the system of justice. The wide divergence between the principle and the practice has its foundation in deep-rooted prejudices and the miscarriage of justice to the Negro is traceable mostly to this primary cause.

Evidently, the court did not give them the benefit of any doubt as to their guilt, nor did the jury hesitate to convict them on groundless circumstances. The situation was that a white man had been murdered; four Negroes were accused of it, and, while there was neither grounds nor motives apparent in the circumstances to connect them with the crime or warrant a conviction, it would not have been compatible with local feeling to exonerate them except the responsibility for the crime could be more definitely placed on some one else.

This aptitude of paying the penalty for other people's crimes has created an uneasiness among Southern Negroes that amounts almost to a subtle disease.

There are great numbers of crimes shifted to defenseless Negroes for no other reason than that they are defenseless and it diverts suspicion away from the real culprits.

If the practice of even-handed, impartial justice without regard to race or condition could come square with the principles of democracy, a great stride toward offsetting the prevalence of crime would be made in all sections. But there are personal, racial and sectional elements in the administration of justice. These elements keep open loopholes in the system and increase the disposition as well as the chance of culprits to escape.

The question of preponderant criminality among Negroes as compared with that of white people is clearly settled on the face of the returns and reports in the daily press. The point of difference is the scale on which crime is committed and the consummate artfulness and intrigue in which the Negroes are outpointed by whites. The influence, wealth and other advantages that make for immunity from punishment resolves the remaining doubt into a mere question of taste in which culture, freedom and occasion have always given him predominance.

The spirit of American justice is peculiar to American social ideals. Its qualities are strained to cover a range of traditional caste differences.

It has taught the influential whites to court justice's favor; it has taught all whites to be determined to evade its wrath through this and other loopholes; it has taught the Negro to expect the principles of justice to apply in his case only in the absence of social obstructions.

The uncertainty of justice in all cases increases the certainty of crime in any, whether it be through favor to one class, the hope of evasion in another or still the hopelessness of justice in the other.

A criminal atmosphere will develop under immunity from justice, or under the evasion of justice, or under the hopelessness for justice. And the so-called crime waves are criminal pressure mounting in the direction where the principles of justice meet least resistance from any one or all of these causes.

The Marshall County case is not an isolated incident; it shows one type of weakness in the application of the principles of American justice. This type might be multiplied and other types mentioned to point.

It means that there are fearful and insidious internal agencies tugging at the vitals of the American social order, and that however impracticable universal justice may now seem, it is the only means of realizing the high democratic ideals on which a prosperous nation may rise to its highest and noblest national triumphs or experience the eventual consummation of its national vigor through immoral agencies bred within it and from its own substance.

Thus the causes for prevalent crime are inherent in the practices rather than the principles of democratic peoples. The fundamental principles are always sound.

The increased divergence between the principles and the practice of justice in any centers of civilization, whether Nordic or otherwise, gives impetus and occasion for the prevalence of crime.

America's crime record very far outstrips the English because American practices have a much greater divergence from American principles than English practices have from English principles.

Principles that are under constant tension from awry practices must eventually be destroyed. The limits of their elasticity are overcome by constant stretching and the change takes place in the direction of the destructive influence. This is true of American justice, whether it proceeds from the attitude of the unassimilated foreigner, the poorly adjusted Negro or from other inferred causes.

There is no difference between American and English principles of justice; nor yet any salient difference between American and English law. They are rooted in the same fundamentals. But the spirit of American justice is partial to traditional prejudices and caste influences and the prevalence of crime is an evidence of the weakened state that comes from juggling principles to pander to these prejudices and influences.

WITNESS RELATES DEATH THREATS

Constitution 11-6-26 Atlanta Ga.

Birmingham, Ala., November 5.—(AP)—Charles R. Davis, former convict warden charged with slaying James W. Knox, convict at Flat Top mines, today offered a reward for the apprehension of a stranger who is alleged to have attempted to "fix" witnesses of the defense in the trial of Davis which entered its fifth day. The defense was aroused by the report of witness "fixing" and strenuously denied that such a condition existed.

The testimony of Wiley Pugh, star witness for the state who told the details of the death of Knox, was partly corroborated by Artemus Fletcher, negro convict, who said he witnessed the ducking of Knox from a "dog house" in which he was confined for a breach of discipline. The defense on cross examination sought to show that the witness could not have seen the ducking from his place of confinement. Fletcher countered by declaring that he viewed the alleged maltreatment through a wide crack between the boards of the coffin-like contrivance.

Pugh testified that Knox died while undergoing punishment in the laundry vat.

Fletcher disclosed that he had been threatened with death by fellow convicts if he testified in favor of Davis. Dick Montgomery, former convict, who followed Fletcher on the witness stand declared he had been told by a white man in the courthouse, "all you niggers implicated in this case had better pack your clothes and get out," the court ordered the arrest of the man if he could be found.

AUG 1 9 1926

ALABAMA CITY NEGROES

"The colored people of Alabama City having been the recipients of just and equitable treatment by the present board of mayor and aldermen proceed to pass resolutions praising Mayor R. A. Burns and his council for their good work, which is a natural proceeding under the circumstances. But the resolutions go further. They state a fact which everybody knows to be a fact and that is that "places of vice and bootlegging have been suppressed and order maintained without fear or favor." Moreover, the resolutions state that "peace and order reign in our city" as the result of this policy on the part of the Burns administration.

The action of the negro leader's of Alabama City is remarkable in several ways. In the first place there is nothing political about it for the negroes do not vote. Then, too, the churches have spread the resolutions on their minutes, indicating solemnity and sincerity that cannot be mistaken. There is also a connection in the statements that the negroes of Alabama City have been treated fairly and that crime has almost vanished.

We have always maintained that the negro will respond to good treatment, that he resents and never forgets an injustice. Unfair, cruel and unjust treatment has driven many a black man to criminal career that could have been prevented by simple justice. The Alabama City officials surely ought to feel proud of the splendid tribute paid them by the humble colored citizens of their town.

City Prisoners Placed On Streets As Lease Expires

Advertiser 9-8-26 Montgomery Ala

For the first time in several years, city prisoners ... work on the ... streets Monday. According to police officials prisoners are not now working ... their sentences on the Folmar brothers farm as heretofore ... be placed upon farms as soon as arrangements can be made, it was said.

CHECK RUNNERS AT FLAT TOP BRUTAL TO KNOX, CHARGE

Montgomery Advertiser

State Paces Negro Former Convict on Stand; Testifies He Saw Tom Tucker Strike Knox With Club

11-5-26 Montgomery Ala

DUNN SAYS DAVIS NOT AT LAUNDRY VAT SCENE

Biggs Declares Godf... Offered Bribe Not to Appr... r-mer Ward...

BIRMINGHAM ... ov. 4.—Special to The A... —In an effort to establish ... es Knox, convict, had b... y treated by Tom Tucker a... ouston, check runners, w... e Flat Top mine on the day o... eath, the state Thursday afterno... placed Charlie Biggs, negro, of Brewton, and former convict at Flat Top, on the stand as the fifth witness against Charles R. Davis, former warden, who is being tried on a charge of murder before Judge John P. McCoy, in the criminal court.

Biggs said that he was a motorman on an electric mine trolley and brought Knox to a point near the surface of the mine at 8 o'clock on the morning of his death. Biggs testified that Knox was covered with mud and could not be distinguished from a negro that he was "groaning and going on."

Later, about midday, the witness added, he saw Tom Tucker strike Knox with a club and later curse and mistreat him. At that time, the witness said, Knox had sought a drink of water at the coal washing machine, and Tucker, he alleged, completely drenched him with water. Biggs said that he last saw Knox being carried from the mine late on the afternoon of his death. The witness did not see the ducking the convict is alleged to have received in the laundry vat.

Previous to the testimony of Biggs the defense registered a strong point in behalf of Warden Davis when James Dunn, a state witness, who had testified on direct examination as to the conversation he had heard at the time of Knox's death, stated that he did not recognize Warden Davis' voice among those present.

Dunn's testimony on cross-examination Thursday afternoon did not connect Warden Davis with the death of Knox. On the contrary, the witness declared that he had often heard his employer and recognized his voice, that he did not hear it at the time Knox was ducked in the laundry vat.

"You did hear a voice say, 'Why did you cause Cecil Houston so much trouble down in the mine,' didn't you, and I want to ask you if that was Warden Davis' voice?" Solicitor Davis (Cont) in redire... examination. ... was he had changed it," Dunn answere... .

"Would you say that it was not his voice?"

"It was not his voice."

Montgomery Advertiser

Thursday afternoon corroborated the story of Wiley Pugh, another convict, who preceded him, saying Knox was drowned in a laundry vat inside the prison. Steam was turned into the vat while Knox was in the vat, Fletcher, a negro said. Davis had Knox put into the vat two or three times, Fletcher attested. Knox promised he would work, and asked another chance to work, the negro testified.

11-5-26

Fletcher saw this from the "dog house," a place in which convicts are punished by solitary confinement, he said. This dog house is only a few yards from the vat, according to the negro's statement. Fletcher told this same story to the grand jury last spring, when Davis was indicted, he said in answer to questions from Solicitor Davis.

The negro was never in the "dog house," defense counsel tried to show while cross-examining him. He was on the stand when court adjourned.

Offered Bribe.

Biggs said a man named Godfrey offered to pay his way to Florida if he would not testify as a witness in Davis' trial, he said, when recalled for cross-examination by Beddow. This man, who approached him a few months ago while he was working at Helena, said he did not want Biggs to appear as a witness for the state or the defense. He promised to give Biggs all the money he wanted if he would leave, he stated.

Backing up the evidence of Wiley Pugh, convict, that Knox died while undergoing punishment in a vat of hot water, James Dunn, a former guard, testified Thursday morning.

KNOX DEATH LAID TO HEART TROUBLE BY DAVIS DEFENSE

Affliction Aggravated by Exertion and Alleged Suicidal Taking of Mercury Basis of Charge

HUGO BLACK TESTIFIES AS CHARACTER WITNESS

Former Governors Kilby and Henderson Scheduled For Defense Stand Today

BIRMINGHAM, ALA., Nov. 9.—Special to The Advertiser.—Following the resting of the state's case the defense this afternoon in the murder trial of Charles R. Davis, former warden at Flat Top, charged with the murder of James Knox, began to unfold the nature of its defense.

Advertiser

Heart trouble, aggravated by overexertion and coupled with the shock of bichloride of mercury, swallowed with alleged suicidal intent, were assigned as the cause of the death of Knox on August 14, 1924.

11-10-26

Two material witnesses, indicated that this would be the trend of the defense, in their testimony. They are Joe Payne and Jesse Caswell, both negroes, who were imprisoned at Flat Top when Knox died.

Montgomery Ala

Davis has insisted from the beginning that Knox attempted suicide, and the indication that this would prove his defense did not create wide surprise in court circles.

The defense version of the death of the Mobile convict, however, differs sharply from that of the state, who claims that Knox had been severely beaten and mistreated for failure to produce his task of coal, and was killed while being ducked in a laundry vat. A solution of bichloride of mercury was pumped into his stomach after death, according to the state, in an alleged effort to "cover up" the crime.

Presentation of the defense began shortly before noon, when Hugo L. Black, United States senator-elect, was placed on the stand for a character testimonial. During the afternoon, five additional character witnesses were heard. They were Police Chief Fred H. McDuff, Sheriff T. J. Shirley, W. F. Feagin, former superintendent of education, Sam Jones, vice-president of the Drennon Motor company and J. C. Hartsfield, sheriff-elect.

Former Governors Thomas E. Kilby and Charles Henderson will take the stand Wednesday as character witnesses.

Payne said Knox had poison tablets in his mouth when he answered call of Homer Anderson, who was in the prison hospital dressing room ministering to Knox, for help.

Payne is serving a sentence for murder of a negro. He has served 18 years in the penitentiary since he w... sentenced, digging coal in the mi... at Flat Top for 12 years, he said. ... is now a trusty at the camp.

In response to a telephone messa... from the mines ... the hospital th... Knox was ... was being sent u... on the "mantrip," the negro, Homer Anderson and Albert Lewis, whom he had summoned, and co-defendants in the indictments resulting from Knox's death, went to the mine mouth to get Knox. They took a stretcher on which to bring him to the hospital, he said.

Advertiser 11-10-26 Montgomery Ala.

Knox came to the mine mouth ... a coal car. He was sitting in the car, supported by Tom Tucker, a "straw boss," in the mine, when they reached the mine entrance, he declared.

Lifting Knox, who was muddy and complaining, from the car, they carried him to the gate of the prison, which, he testified, was 300 to 400 yards away. Payne and Lewis supported him, Knox having an arm around the shoulders of each of them, the negroe's story set out. Knox was unable to walk, and complained of pains about his heart, they said.

Allowed to Rest

At Knox's request, he was allowed to rest for five minutes, then they picked him up and carried him to the hospital, 200 yards away, the witness declared.

Because Knox was muddy, they did not take him into the hospital through the front door, but took him through a side door, into the bath dressing room. Here Anderson began to undress him and the others went out on the porch, he testified.

A short time later, they heard Knox fall, and Anderson cry out for assistance, the negro declared. Rushing inside, they found Anderson grappling with Knox, who had a bottle of blue tablets in his hand and some in his mouth, he continued. Anderson thrust a hand into Knox's mouth and tried to get some of the tablets, calling out, "He's taken some of this poison, help me get it away from him." They took the bottle of tablets and continued undressing him.

Davis entered the dressing room at this instant. They explained what Knox had done, in reply to a question from him as to what was the matter, and Davis left after telling them to give him strychnine for the heart, with which he was complaining, a bath, and then to put him to bed, Payne said.

After undressing Knox, they took him outside to the laundry vat, where the state witnesses have testified he was beaten and put into hot water, and bathed him. Payne said Anderson got into the vat, containing lukewarm water with a rag and soap and helped wash him, the witness said.

Taking Knox from the vat, Knox began to vomit. Wiley Pugh, star witness and a convict at Flat Top at that time, then walked up. A short time later the warden walked up and

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ordered Pugh to get something to relieve Knox, who was groaning and continued to vomit, the negro narrated. He looked like he was dying, he said, at that time. Davis, then walked away, Payne declared.

They took Knox into the hospital and put him in a bed. After that they left the hospital.

Under cross examination, he said Warden Davis was sitting on the porch of his office reading a newspaper when Knox was brought through the gate.

He denied that anybody hit Knox or cursed Knox at the vat. Davis did not curse him, nor did any of the others, while he was being bathed, he declared.

Caswell said he was on the sick list at Flat Top when Knox was brought to the hospital. His testimony on direct examination was as follows:

Caswell Testimony

"I was sitting on the porch of the hospital and I saw them coming up with Knox. Cecil Houston was walking ahead, while Joe Payne and Albert Lewis were by his side. Knox could not walk easily and Payne was holding him up. They were walking slowly. When they got to the hospital Mr. Knox sat down on the steps to rest. Cecil (Houston) went around the side of the hospital, to get some medicine, but came back. Wiley Pugh was not there. I remember Cecil was worried and said 'somebody ought to be here.' About that time I walked toward the cells and met Mr. Davis about half the way over."

In subsequent examination, the witness said he talked with Knox and the latter complained his heart was troubling him. The witness quoted Knox as saying that he had tried to grab a live wire in the mine and that he would throw himself in front of mine cars if he ever went back into the mines.

Caswell said he did not see them place Knox in the laundry vat. He added, however, that it was a common practice to bathe prisoners in the laundry vat when they were unable to wash themselves.

CRUELTY EVIDENCE RULING IN DAVIS TRIAL IS WITHHELD

Defense and State Counsel Preparing For Opening of Second Week of Hearing of Former Flat Top Warden

BIRMINGHAM, Ala., Nov. 6.—Special to The Advertiser.—Reports that Judge John B. McCoy has forbidden introduction of testimony tending to show systematic cruelty to convicts while Charles R. Davis, warden at the Flat Top Prison mines, are untrue.

licitor Jim Davis said Saturday as he and defense counsel prepared for the opening of the second week today of the trial of the former warden on a charge of murder in the death of James Knox, convict, who died at the prison two years ago.

The solicitor and Assistant Solicitor Drake Saturday were giving their attention to citations to use Monday when Judge McCoy rules upon the case. State counsel will attempt to show that in many other similar cases, evidence of a like nature has been held admissible.

Defense counsel was busy, too. Both sides were taking advantage of the holiday, with adjournment of court Friday afternoon until Monday to give the jury a rest. The jurors were to attend the University of Alabama and University of Kentucky football game during the afternoon.

Judge McCoy held the matter in abeyance Thursday, when attorneys engaged in debate on the matter. Defense attorneys protested the submission of such testimony on grounds that it was irrelevant. The state contended similar evidence has been admitted in numerous other cases of like nature.

Defense counsel will ask Judge John B. McCoy to direct a verdict discharging the defendant, Roderick Beddow, one of the defense attorneys announced Saturday.

Grounds that the state has not made out a case will be the basis for the motion, Beddow said. The request for a verdict for the defense will come when the state has closed.

A "tall man, wearing glasses," who, according to a witness, tried to intimidate witnesses for the state last week, is still at large, according to Solicitor Davis. The solicitor ordered a search for him when charges that witnesses were being tampered with came out.

Frank Jones, who is said to be one of the eye-witnesses to treatment which is alleged to have caused Knox's death, August 14, 1924, at Flat Top, will be the next witness for the state, Solicitor Davis stated. Jones is a negro convict.

Dock Scott, the final witness of the afternoon, testified briefly to overhearing Knox's pleadings for life when he was placed in the vat. The witness added that he was in a "dog house" and viewed the ducking of Knox. In cross-examination, however, Scott answered questions hesitatingly and added new features to the testimony which heretofore had not been injected into the trial.

Court recessed at 5 p. m. and will not reconvene until 9:30 a. m., Monday. Judge McCoy ordered the bailiffs in charge of the jury to exert the utmost diligence during the brief respite, especially during the football game Saturday afternoon, which the jurors were to attend.

Favors said James Knox, for whose death at Flat Top two years ago Warden Davis is being tried, remained in the mines the day of his death until 3 o'clock in the afternoon.

This directly contradicts testimony of Wiley Pugh, who said Knox's death resulted from cruelties he attributed to the former warden's orders, and Charlie Biggs, state witnesses, who had previously testified.

Knox went out of the mines about 8 o'clock in the morning of the day of his demise, because he was unable to work and was driven back into the mines by Davis, who beat him over the head with a hose as he forced him back into the mine, Pugh testified.

Knox went to the "head chain yard" about 8 o'clock in the morning, and lay in the chain yard near the "coffee shack" all day, complaining he was unable to work, Biggs testified.

In further contradiction of both stories, Favors said Knox worked in the same room with him all day until 3 o'clock. Knox was an extra man and was used in moving rock, Favors stated.

Favors served a sentence of one to two years in the penitentiary for burglary. He was sentenced in Butler county at Greenville.

Favors, who lives at Chattanooga, escaped three times while serving his sentence, he said. He blew off part of one foot at Flat Top to keep from having to work in the mines. He preferred that to "cruel treatment," he said.

The afternoon of Knox's death, he was brought into the prison yard through the big gate. This also varies with testimony of other witnesses for the state, whose version of his entry brought Knox into the yard by the "manway."

Roderick Beddow and Favors exchanged hot words during the attorney's cross-examination of the witness. Favors harshly replied when Beddow propounded questions in stern, severe tones, and the crowd more than once laughed at the verbal exchange between them.

Favors corroborated state evidence that Knox was beaten in the mines by "flunkies" for failure to work. Whitey Freeman and Cecil Houston beat Knox, who complained he was unable to work. Freeman beat Knox with a shovel. Houston pounded him with a large, heavy stick, about three feet lon. The witness identified a large stick which the solicitor showed him as one similar to that Houston beat Knox with.

Knox begged Houston and Freeman to give him another chance. He promised them he would try to work if they wouldn't beat him, Favors testified.

Favors saw Cecil Houston and Homer Anderson lead Knox, early in the evening to the laundry vat, in which it is alleged he was drowned or scalded, from the "big gate." He heard Knox crying for mercy, and promising he would work, at the vat. Homer Anderson was the only person he could see at the vat, hardly visible from his cell, Favors testified.

"Oh, have mercy on me," Knox cried at the vat, Favors declared.

He saw Knox's body taken into the hospital by two men on a stretcher, a short while later, he said. He did not see the corpse again, he declared.

Dick Montgomery, negro, formerly a Flat Top convict, also refused statements made by other state witnesses while under cross-examination. Favors followed Montgomery to the stand.

INDIANAPOLIS

INDIANA

NOV 26 1926

LAW IS LAW—OR IS IT?

Monday night Governor W. B. Brandon of Alabama and eight friends were arrested while playing cards in a room with thirteen quarts of rare whisky, two half-empty bottles, a number of empties and some glasses.

They posted $300 bonds on charges of violating the prohibition law.

The arrests created a real sensation, for Brandon is a prohibition Governor, elected on a platform of strict enforcement. He is the ever ready spokesman of the church and prohibition forces. His personal platform contained this plank: "Maintenance of the present prohibition laws and strict enforcement of the same." The platform of the Democratic party in Alabama declared that prohibition is "the established policy of the State," and demanded "strict enforcement of the existing laws on this subject."

So much for the arrest of Governor Brandon.

* * *

Tuesday the Governor's party, minus the Governor, stopped off at the county seat and settled the cases.

The county solicitor met them at the train and was informed by Asa Gibson, member of the party, that Henry Hudson, a Negro servant, would plead guilty to owning the liquor. So it was agreed that the cases be dropped, and that Hudson should receive the minimum fine provided by law—$50 and costs.

Asa Gibson, who furnished the county solicitor with the information on which this course was decided, has been known in Alabama for some years as the speaker of the Third House, or the principal lobbyist at the State capital.

So much for the dropping of the case.

DAVIS ACQUITTED IN CONVICT DEATH CASE IN ALABAMA

Warden of Prison Mine Is Freed of Murder Charge by Jury After Hour's Deliberation.

Birmingham, Ala., November 12.—(AP)—Charles R. Davis, former warden of Flat Top prison mine, tonight was freed of murder charges in connection

with the death of James Knox, native of West Virginia and a convict at the mine in 1924, after a jury had deliberated less than one hour.

Davis was acquitted after 11 days of legal clashes between opposing counsel with convicts and ex-convicts playing the roles of leading witnesses for both sides. The state charged that Knox was beaten and then ducked in a laundry vat until dead, accusing Davis of issuing instructions that resulted in the death of the convict and of later ordering poison pumped into Knox's body to simulate suicide.

Four other persons were indicted in connection with the death of Knox, the Jefferson county grand jury returning true bills after an investigation which startled the whole state and which injected the convict lease system into the democratic primary.

Charges of cruelty were made before the inquisitorial body, according to its report a few weeks later, with the ex-warden accused of heading the prison regime that dealt out harsh punishment to convicts supposedly not in favor with Davis.

Wiley Pugh, convict, was the state's principal witness. His statement to state authorities a short time after Knox's death precipitated the investigation which resulted in the indictment of Davis and four others on murder charges. His story included charges of inhumane treatment of prisoners in addition to accusing Warden Davis of being responsible for the death of Knox. Other convicts told virtually the same story as that bared by Pugh on the stand.

NUMBER OF WHITE MEN ARRESTED EXCEEDS NEGRO

Anniston Warden Reports 103 Whites and 85 Negroes Arrested

ANNISTON, ALA., Dec. 6.—Special to the Advertiser.—Eighteen more white men were arrested in Anniston than negroes during November, the monthly report of City Warden Gus Waters shows.

Of the total of 208 cases docketed by police officers during the months, 103 were against white men, 85 against negro men, eight were against white women and ten involved negro women.

Former Orderly of Pershing and Hero of Speigner Lake Begs For Own Life

Whether John Umbles, negro convict, "lifer," world war veteran, former personal orderly to General John J. Pershing, and who at the risk of his own life, aided in the rescue of five Montgomerians during a storm on Speigner lake, will be hanged in the Jefferson county jail, on December 28, for murder, now rests with the state board of pardons and Governor W. W. Brandon.

A strong and earnest plea for commutation of the death sentence in this remarkable case, which in some of its aspects is unique, was presented before the pardon board Tuesday afternoon by Roderick Beddow, prominent Birmingham lawyer and counsel for Umbles. In his presentation of the application for executive clemency on Umbles' behalf, Mr. Beddow cited the petitioner's excellent war record overseas during the world war; also the fact that Umbles was General Pershing's personal orderly on the Mexican border.

Mr. Beddow in this connection stated he had received a telegram from a general in the U. S. army, who said he had heard that Umbles was in trouble, and that if necessary he would come to Alabama and appear before the state pardon board on behalf of Umbles.

Umbles was convicted in Jefferson county, of the murder of his wife and was sentenced to life imprisonment. In the tragedy which occurred following the close of the world war, and the return of Umbles to the United States, Umbles is alleged to have also shot and killed his sister-in-law, and then turning the pistol upon himself fired a bullet into his own body, the missile missing his heart by only the fraction of an inch. For a time he lingered between life and death before he eventually began to recover.

Umbles began serving his life sentence at Speigner prison, where he was employed in the state's hydro-electric power plant at Speigner lake, after he was made a "trusty." After a time he was transferred to Montgomery for duty as a porter at the state capitol. He worked at the statehouse for many months, until being needed at the Speigner power plant, he was transferred back there.

He wanted to apply for a parole, but it was pointed out to him, it is stated, that should he be paroled, the charge pending against him, of killing his sister-in-law would land him in jail again for trial. Umbles then elected, it is stated, to stand trial in Jefferson county on the charge of slaying his sister-in-law, believing he would be acquitted. Instead he was convicted and sentenced to hang.

In addition to his faithful and honorable service as a soldier of the United States during the world war and prior to that time, his heroic action in aiding in the saving of five lives on Speigner lake in the summer of 1925, was recalled in the hearing before the pardon board, Tuesday afternoon. The five persons saved were members of the family of George C. Stanford, well known Montgomerian and proprietor of a large transfer business. Umbles assisted Clarence Lumpkin, white prisoner, in the rescue, when the party of five persons, whose boat had capsized in a sudden, violent thunderstorm which swept Speigner lake while members of the party were on a fishing excursion, were threatened with death by drowning.

Lumpkin, who has been on parole for more than a year, appeared before the board of pardons at Tuesday's session to testify in support of Umbles' application for executive clemency. Lumpkin said that had it not been for the help rendered by Umbles, at least two of the five Montgomerians who when rescued, were in imminent peril of their lives, would have been lost.

Umbles contends that he is not guilty of the deliberate killing of his sister-in-law. He maintains that on the night the shooting occurred, he thought that his sister-in-law was another man with his wife and that had he known the real identity of the sister-in-law, he would not have fired.

HOMICIDE LIST FOR OCTOBER HIGH

Total of 35 Persons Killed by Others; Eleven Suicides Recorded in State

Some decreases during October in the number of deaths occurring in Alabama from external causes, as compared with the month of September are shown in report issued Thursday by Dr. W. T. Fales, director of the bureau of vital statistics of the state board of health. There were 11 suicides in October, compared with 12 in the previous month, 35 homicides, compared with 37 in September; 9 deaths from accidental drowning, compared with 10 for the preceding month, and 27 automobile fatalities compared with 28.

Deaths from accidental burns, increased from three in September, to 21 in October. Fatalities from accidental discharge of firearms increased from 12 to 16, by the same comparison; deaths from railroad accidents increased from eight to 14; and from mine accidents, from a total of nine in September to 13 in October.

Deaths from all causes occurring during October, in Alabama, totalled 2,247. During the same month, a total of 5,505 births were recorded.

Dr. D. G. Gill, director of the bureau of epidemiology of the state department of health, shows in his monthly report which was also issued Thursday, a marked decrease in the prevalence in Alabama during the month of November, of typhoid fever, 137 cases of the disease being reported in November, compared with 360 in October. Prevalence of malaria decreased nearly 50 per cent in November compared with the preceding month. There was also a decrease in November, in the prevalence of measles, scarlet fever, diphtheria, tuberculosis, pellagra and mumps. There was an increase in November in prevalence of smallpox, whooping cough, influenza and pneumonia.

Commenting on the subject of smallpox and vacienation, Dr. Gill says: "That vaccination will protect against smallpox has been a well established fact for over a century and thanks to vaccination, smallpox is no longer the scourge that it once was. There are still, however, far too many cases in the United States and Alabama has an unfavorable record in this respect.

"During 1925, there were about 4,300 cases reported in Alabama. In controlling these cases, large numbers of people were vaccinated, but the general public is still not protected. The ever present danger has been emphasized by two epidemics in Alabama communities recently, and these epidemics will continue as long as there is a susceptible population.

"Children should be protected during the first year of life—any time after the third month. No child should enter school until they have been vaccinated."

Crime-1926

Alabama.

W. A. BATES IS HELD FOR PARTICIPATION IN DEATH OF NEGRO

Former Deputy Warden at Flat Top Indicted; Negro Confesses to Forcing Poison Into Dead Convict

BIRMINGHAM, ALA., May 4.—(AP)—With one man under arrest and other action momentarily expected, the Jefferson county grand jury tonight was preparing to bring to an end its inquiry into the death of James W. Knox, and other convicts at Flat Top prison mines. W. A. Bates, former deputy warden at that camp, was arrested at Brownsville, Tenn., today, following his indictment by the grand jury.

The culmination of the day's developments brought the official statement from Solicitor James Davis that the grand jury "now knows the whole story of the shocking atrocities that have been happening in Jefferson county under the convict leasing system."

The day's testimony was described as "making complete and spiking down" the state's case.

The chief feature of this testimony was that given by Homer Anderson, negro convict, who is declared by officials to have testified that he forced poison into the stomach of Knox "under instructions" to "cover up" the real cause of the young West Virginian's death. This alleged attempt to simulate suicide, officials said, was the basis for the burial certificate and death record which shows that Knox died by poison self-administered. At the preliminary inquiry into the case, conducted by Attorney General Harwell G. Davis, Anderson testified that Knox took poison tablets intending self-destruction. Other witnesses in the preliminary hearing said Knox died when undergoing a "ducking" and that Anderson pumped poison into the body after the man had died in a launry vat. Anderson was said by officials to have "made a clean breast of the whole affair" in his latest appearance at the county building. With this testimony, the authorities in charge made preparations to bring the inquiry to an end within a few days.

Bates who resigned at Flat Top some time ago was located in the Tennessee city late today. Extradition papers are on the way to Governor Brandon. Bates has already paved the way for habea corpus proceedings in an attempt to gain freedom on bond, Solicito Davis was advised. The solicitor will fight this move.

The indictment under which Bates was apprehended charges murder in the first degree it being alleged that he kicked to death Frank Harper, a negro convict. Harper was said to have been very ill at the time.

Indictments placing responsibility for the death of Knox and at least two other white convicts may be returned by the grand jury, officials said. Inquiry into the Knox case brought the other deaths to light.

The death of Harper was described by Solicitor Davis as "one of the most brutal in Alabama's history." It was stated that Harper's body might be exhumed.

Coincident with the announcement that the state was ready to move swiftly in the remaining cases, the grand jury began an examination into Flat Top finances by calling C. C. Brooks, state examiner of accounts who recently audited the camp books.

Wiley Pugh, the convict whose statements to the attorney general last year paved the way for the Knox investigation, was again before the grand jury today. He has contended from the outset that Knox was beaten before he was "ducked" and that the water in which the West Virginian was immersed was alternately hot and cold. Pugh was at one time a clerk at the camp and is said to have intimate knowledge of the camp's accounts as well as circumstances surrounding Knox's death. Pugh was dressed in a nobby new blue suit and had the appearance of a well groomed business man. He is now confined in Kilby prison.

Solicitor Davis said that a few other witnesses would be called but that the grand jury had about completed its work.

CONVICT REVOLT FOLLOWS PROBE

Birmingham, Ala., April 29.—(AP)—A disturbance yesterday at the Flat Top convict mines marked by the throwing of dynamite by prisoners, sent a Jefferson county grand jury to the mine today.

The grand jury is investigating the death of James Knox, a prisoner, who died in 1924. Revelation of questionable treatment of him and other prisoners brought on the investigation.

News of the latest disturbance was developed in testimony of convicts before the grand jury.

Reports from the mine were that prisoners drove out of the camp two "straw bosses," Whittie Freeman and Tom Tucker, after giving them notice that no more of their "inhuman treatment" would be tolerated. None was injured. The two men were immediately transferred to Kilby prison.

Freeman testified before the grand jury on Wednesday, and the disturbance today is believed to have grown out of the impression of convicts that conditions at the mine were not being described accurately.

SIX UNDER INDICTMENT IN MINE CAMP HORROR

Warden Davis May Face Chair for Knox's Death.

"STRAW BOSS" ACCUSED

Former Deputy Warden Bates Telegraphs From "Somewhere in Memphis" That He will Show Up to Answer Indictment.

BIRMINGHAM, Ala., May 5.—(AP)—Indictment of Charles R. Davis, general convict warden and four convicts on charges of first degree murder in connection with the case of James W. Knox, Flat Top convict, today marked the first phase of an extensive inquiry by the grand jury of Jefferson County. The men indicted jointly with Warden Davis are Cecil Houston, a white straw boss and Elbert Lewis, Joe Payne and Homer Anderson, negro. W. A. Bates, former deputy warden at Flat Top, was yesterday indicted on a charge of first degree murder in connection with the death of Frank Harper, a negro convict. The Harper case grew out of the Knox investigation.

Besides the Knox and Harper cases, it was said by officials that the grand jury had inquired into other deaths, complaints of floggings and working conditions at Flat Top. The jury recessed until May 18 without completing its findings or making formal report. A special report to Governor Brandon was expected to be written, it was stated.

Warden Davis expected to surrender to the sheriff within the next few hours. Solicitor Davis recommended that his bond be fixed at $25,000. Bates left the employ of the state several months ago and moved to Brownsville, Tenn. Attempts to apprehend him there brought word that he was out of town. Two Birmingham newspapers to day received telegrams signed "W. A. Bates," and dated Memphis, stating "I will be in Birmingham tomorrow afternoon. No requisition is necessary.' Authorities assumed that Bates learned of the indictment and is en route here to surrender. Houston, Lewis, Payne and Anderson are all in prison.

Warden Davis, whose headquarters were at Flat Top, was relieved of duty at his own request by Governor Brandon before the grand jury began its injuiry.

The death of Knox was charged to Warden Davis and the four convicts in a joint indictment. It was alleged by witnesses in a preliminary inquiry conducted by Attorney General Davis several months ago that Knox was beaten severely every day after he was sent to Flat Top on Aug. 8, 1924, until the date of his death, Aug. 15. On the day of his death, he was said by witnesses to have been flogged before he was placed in a laundry vat to receive a "ducking." He died in the vat, witnesses said. Immediately after death, testimony in the preliminary inquiry purported to show, poison was forced into his body in an alleged attempt to simulate suicide. The prison record showed that poison, self-administered was the cause of death. The body was twice exhumed and expert opinions were made a part of the record. The details of the evidence before the grand jury has not been made public pending formal presentation of a report to the court, but officials said that the testimony in the preliminary inquiry was substantially the same as that written in the latest record.

TO RESUME PROBE OF CONDITIONS IN PRISON CAMP TOP

Investigation of Knox Death by Jefferson County Jury Widened to Include Other Alleged Mistreatments

BIRMINGHAM, ALA., May 2.—(AP)—Complaints of physical abuse in Alabama convict camps which is alleged to have led to death in five cases and personal injury and hardship in numerous other instances within recent months, will be threshed out by the Jefferson county grand jury following the week-end recess of that body.

Authorities declared that every phase of the state's penal system insofar as the county's jurisdiction extended, would come under the scrutiny of the inquisitors.

The present inquiry, instituted to look into the case of James W. Knox, youthful West Virginian who died under mysterious circumstances at Flat Top mines in August 1924 "had reached far beyond" that Monday, it was declared, as a result of testimony touching scores of other convicts.

It was explained that Jefferson county in recent years had made frequent but futile efforts to inquire into the penal system but every attempt in that direction previously had come to naught because of legal barriers and the difficulty in securing testimony from convicts.

In the present effort, Gov. William W. Brandon, who under the law has supreme power to open the gates of the prisons for inspection, delegated unlimited authority to Attorney General Harwell G. Davis and Solicitor James Davis of Jefferson county in opening the way for a thorough probe of an accumulation of complaints.

The attorney general in a preliminary inquiry in the Knox case reached the "probable conclusion" that the man had died from natural causes as a result of great fear and physical exertion while being "ducked" as punishment. This report also embraced voluminous testimony purporting that convicts were beaten mercilessly and that working conditions were hazardous and inhuman in some cases. The attorney general made his report to the governor and it was laid before the Jefferson county grand jury which took it up last week.

Governor Brandon ordered that any convicts might testify without fear of reprisals and scores of Flat Top prisoners have already appeared before the grand jury.

Officials said that the inquiry was broadened "far beyond the Knox case" by the accusations of numerous convicts who felt free to talk behind the closed doors of the grand jury room. From former convicts and other persons outside the prisons, serious complaints are said by officials to have reached the jurymen.

The record will be one of the most voluminous ever written in the history of this county, officials believe. It was suggested that the hearing might continue ten days longer and that camps in the county other than Flat Top might come under the inquiring eyes of the inquistorial body.

At Flat Top coal is mined by the state for the Sloss-Sheffield Steel and Iron company, owners of the property. The convicts work under state control, the company paying for tonnage delivered at the surface.

GRAND JURY BEGINS KNOX DEATH PROBE

Fifteen Convicts in County Jail Awaiting Their Turn To Testify

BIRMINGHAM, ALA., April 26.—(AP)—Investigation of the death of James W. Knox, convict at Flat Top mines in 1924, before Jefferson county grand jury was proceeding rapidly this afternoon with indications that the grand jury would complete its work before Wednesday night.

Advertiser 4-27-26

Montgomery Ala

Three witnesses were examined up to noon today, while others were before the grand jury during the afternoon. Fifteen convicts were in the county jail this morning awaiting the call of Attorney General Harwell G. Davis, while many more have been summoned to testify.

Roy Nolen of Montgomery, member of the board of economy and control, was closeted with the grand jury for more than an hour this morning. He was the first witness called after the investigating body was convened at 9 o'clock. Solicitor Jim Davis formally opened the investigation.

R. S. Turner, Dr. F. F. Blair, physician inspector of the state convict board and Wiley Pugh, a Montgomery convict whose story instigated the probe, were also heard by the grand jury during the day. No hint of the nature of testimony was revealed, complete secrecy surrounding the hearing.

The convicts held in jail here subject to the call of the grand jury were brought from Kilby and Speigner prisons, Flat Top prison camp and other penal institutions.

Solicitor Jim Davis and Assistant Solicitor Drake are in direct charge of the probe, while Attorney General Davis will act in an advisory capacity. The officials have been gathering evidence for several weeks, and Solicitor Davis announced several days ago that the state was in readiness to conduct a thorough investigation. Attorney General Davis was in charge of a personal probe of conditions surrounding the death of Knox and the grand jury investigation was ordered by Gov. William Brandon following a report of findings in the preliminary inquiry.

Fear of reprisals by officials in charge of the penal institutions at first handicapped the work of summoning witnesses, but assurance of immunity by the state led to the voluntary appearance of a number of convicts, Solicitor Davis announced. To forestall what he called "possible criticism" Chief Warden Charles R. Davis, in charge of Flat Top prison, requested Governor Brandon to relieve him of his duties during the investigation and the request was granted, it was revealed in communications between the warden and executive two weeks ago.

Tuesday and Wednesday will also be occupied with the taking of testimony, it was indicated by Solicitor Davis this afternoon. Beginning on Thursday, the grand jury is expected to examine documentary evidence obtained by Attorney General Davis and to personally investigate conditions at Flat Top mines. Knox died in the Flat Top prison camp while serving a sentence for passing worthless checks. The death certificate stated that the prisoner died from the effects of a poison taken internally, but it was later reported by a former prisoner that Knox died while being ducked in a vat of water after being severely beaten by camp authorities.

SYMPATHETIC STRIKE TURNS INTO A REVOLT

Flat Top Prison Camp Scene of Unusual Uprising.

MORE CONVICTS TESTIFY

With Battered Bodies, Their Wounds Are Mute Evidence in Grand Jury Investigation of Prison Lease System.

BIRMINGHAM, Ala., April 30.—Now an attempt was made from thin to block the Knox death investigation by sending all convicts at Flat Top mine on a "sympathetic strike" in favor of the prison authorities was frustrated, was told to the Jefferson County grand jury today.

Commercial Appeal 5-1-26

Memphis, Tenn.

Instead of going on the strike the jury was told, the convicts set upon their "straw bosses" and revolted against further alleged brutal treatment at their hands. A determined effort to ascertain who set the stage for the "strike" which was to have started soon after Warden Charles R. Davis was relieved by Acting Warden Walls, was put under way.

New evidence relating to prison camp atrocities, some of which were declared to have ended in the death of convicts, continued to pile up as the grand jury pried into new and sensational phases of alleged conditions under the convict leasing system.

More than 15 convicts, most of whom exhibited badly battered bodies, went into the jury room during the day and related stories of brutality that probably would have been unbelievable had their wounds not borne out their statements.

From some of these witnesses, who included convicts with broken arms and legs, were drawn details of how two of Knox's fellow-convicts came to horrible deaths, and how, as in Knox's case, death certificates were filed with the convict department indicating that death was due to natural causes.

The body of one of these convicts, whose name still is a grand jury secret, is scheduled to be exhumed immediately in an effort to verify testimony that he was clubbed to death in the dining room at Flat Top, buried hastily and reported to Montgomery headquarters as having died of heart failure. Evidence in possession of the state's attorneys tends to show that a huge pick handle was used on this prisoner.

Another convict—said to be a negro—was declared to have met a similar fate, except that a heavy metal instrument was used according to witnesses. It has not been determined whether this body will be exhumed, but the grand jury already has taken steps to get the originals of the death certificates filed in these newly discovered cases.

Roly Nolen, associate member of the convict board, was recalled by the grand jury and questioned for two hours this morning. It was understood he was grilled concerning the charges by many witnesses that "rank favoritism" is shown certain Flat Top prisoners, while the rest are left at the mercy of the "straw bosses" and "strong arm squad."

That the inquiry is progressing satisafctorily was indicated by the statement of an official that the grand jury, through the evidence already adduced, has been enabled to get at the bottom of things and lay its finger on the guilty.

With Broken Limbs.

While at Flat Top Thursday members of the jury confiscated the pick handles, metal cables and other instruments said to be used by the "straw bosses" in punishing the convict miners. Already seven convicts who said blows from these instruments broke their arms or legs, have appeared before the grand jury, and more are to follow.

Apparently, considerable attention is being given to the report that many convicts are listed for duty in the mine when they should be in the camp hospital.

One convict who exhibited an infected foot swollen to twice its normal size, told how he was listed for coal digging today. He was instructed to return to the mine and refused to go into the pit. When he protested that he would be flogged until he did his task, he was authorized to tell the prison physician that the grand jury had told him not to dig coal until his foot healed.

Reports rfom Flat Top this afternoon said the convict was excused from duty when he delivered the grand jury's message. In view of many cases where convicts have been forced to work in the pits regardless of their physicial condition, the grand jury is understood to be planning to call the Flat Top physician as a witness early next week. Officials will not predict when the investigation will end. A report is not looked for, however, until 50 or 75 additional witnesses are examined.

BANNER MINES NEW SCENE OF PROBE IN DEATH OF CONVICTS

Assistant Solicitor Visits Prison and Reports Two Fatalities Charged to Cruel Treatment

BIRMINGHAM, ALA., May 21.—(AP)—Discovery of a reign of terror surpassing that at Flat Top prison camp was reported today by Assistant County Solicitor Willard Drake following a trip to Banner mine. Drake visited the mines Thursday and upon his return today announced the nature of findings.

Advertiser 5-22-26

Montgomery Ala.

Two deaths, believed to have been the result of cruel treatment of convicts, have been uncovered, Assistant Solicitor Drake announced.

Drake said today that he has the names of 40 witnesses who will appear before the Jefferson county grand jury when it reconvenes to investigate the two deaths at Banner mines. While definite information was not available, it was understood that bodies of two convicts would be exhumed.

Officials at the solicitor's office were today deploring the escape of Irby King from Banner mines late Thursday. King was a check runner at the prison camp and his treatment of prisoners was to be investigated, Solicitor Jim Davis said.

"Information reaching this office indicates that check runners at Banner mines have been even more cruel than those at the Flat Top mine," Solicitor Davis said. "The men at Banner have been so thoroughly under the control of the check runners that they have declined to tell higher officials about happenings under ground.

"When a convict goes into the mine he is at the complete mercy of the check runners, or 'straw bosses,' and the warden often knows nothing of treatment dealt out."

Wilkes and a convict known as "Hot Shot" are said to have died as the result of cruel treatment in the mines. The two men died about a year ago. "Hot Shot" is said to have protested against doing the work of a check runner's favorite, one of those convicts understood to have been friendly with their immediate superiors, and the man was done to death, state officials believe.

The grand jury will reconvene on Wednesday to continue its probe of the Banner mines deaths. Witnesses will be brought to Birmingham early next week.

Advertiser 5-22-26

CONFLICT AFFAIRS IN MINE

Inquiry at the state convict department Friday, concerning press reports from Birmingham that the solicitor's office there is in possession of testimony that a convict named Wilkins was clubbed to death by a straw boss at Banner mine, and another convict known as "Hot Shot" met his death by being fastened to a live wire and dragged into the mine revealed there is no record of any prisoner named Wilkins dying a violent death in the mines at Banner.

There is a record on file, however, of the death of a white convict named Henry Wilkes, at Banner, from accidental electrocution. It was pointed out that the appellation "Hot Shot" is a nick-name frequently applied by prisoners to their fellows, and that identification of an individual prisoner by such a nick-name would be impossible. Henry Wilkes, according to records in the office of Roy L. Nolen, associate member of the state board of administration, died at Banner, on March 8, 1926, from accidental electric shock.

Report Says Death Accidental.

Report of the district mine inspector states that on the date stated, Wilkes was riding a car out of a room in the mine, in order to apply the brakes when the car got out of the entry; that the man came in contact with the trolley wire, and that the shock knocked him from the car against a mine pillar. This report further states that Wilkes, who regained consciousness before he died, said that while climbing over the car, he hit the trolley wire and fell to the ground. Coroner A. D. Russum of Jefferson county, who conducted an investigation into the death of Wilkes, certified to the correctness of the statements of the district mine inspector, it is shown, and found that Wilkes' death was due to electric shock, also that Wilkes had a small hole in his head. The remains of Wilkes were forwarded to his father in Pike county. Henry Wilkes was convicted in Pike county, December 31, 1925, of manslaughter in the first degree and sentenced to prison for 10 years.

Probing Convict Fight.

Mr. Nolen stated Friday afternoon that there is a convict named James Langford now in the hospital at Banner, who was received out of the mine there a few days ago, with a broken arm and a lacerated ear, and that this man states he engaged in a fight in the mine with two other prisoners, namely, Clinton Hilton and Tom Kernell, the latter a check-runner in the mine. The state board of administration, Mr. Nolen said, is now engaged in a thorough investigation of the occurrence.

James Langford, the injured man, was convicted in Hale county, April 18, 1910, of grand larceny, in two cases, and was sentenced to imprisonment for 5 years in each case. Clinton Hilton was convicted in Jackson county, September 25, 1925, in two cases of burglary of a railroad car, and was sentenced to from a year and a day to a year and three months imprisonment in each case. Tom Kernell, was convicted in Montgomery county, June 12, 1920, of grand larceny, and sentenced to from five to six years in the penitentiary. He escaped from Banner prison, November 11, 1922, and was recaptured December 1 the same year. On May 1, 1923 he again escaped and was again recaptured August 24. All three prisoners are white men.

Convicts Still at Large

No trace had been found by prison authorities, up to a late hour Friday, of King, alias Irvin King, and W. L. Rice, convicts, who escaped from Banner mine Thursday by concealing themselves under a false deck they had constructed on one of the mine coal cars, and riding unperceived from the mouth of the mine to liberty. The manner of their escape was not discovered until some time after the two men had disappeared.

King was convicted in Colbert county, October 15, 1921, of assault to murder, and sentenced to from six to six half years in the penitentiary. Following his conviction and sentence, he escaped while en route to Banner prison, but was recaptured some time later in Tuscumbia. Rice was convicted in Montgomery county, December 8, 1923, of robbery, and was sentenced to 10 years in prison.

Alabama

Crime—1926

Alabama People Aroused Against Convict Leasing

Gov. Brandon and the State Board of Administration, However, Stand on the Present System. Newspapers of State Want Changes.

BY DONALD EWING.
(New York World News Service)

BIRMINGHAM, Ala., March 30.—Alabama's exploitation of her convicts for profit through leasing them to private corporations and working them in coal mines where cruelty and inhumanity has been officially charged in four investigations, does not by any means go unchallenged by the citizenry of the state itself. There is an ever increasing wave of protest against the convict system and the question has become one of the main political issues in the gubernatorial race which is just getting under way.

In fashionable homes the system has become a tea talk topic, on the street the report made by Attorney General Harwell G. Davis in investigating the death of James Knox, supposed suicide at Flat Top prison mine, is a subject of constant discussion, and organized opposition has been fighting the system for years.

Three of the four candidates for governor have come out flatly for abolition of leasing and of working convicts in mines, State Senate contests are being waged on the same question, and a movement now is under way for organized state-wide protest against election of any man to the Legislature who has not pledged himself to see that the evils of the convict system are done away with. The only gubernatorial candidate who has not yet made known his position is Lieut. Gov. Charles McDowell, who has the support of the present administration of Governor Brandon and is understood to be the man favored by mining interests owning the mines in which the convicts are worked.

From all sides—except so far as Governor Brandon and the state board of administration is concerned, for they stand pat, generally speaking, on the present system—the New York World News Service correspondent has been urged to "tell your readers that the decent citizenry of this state have been fighting this thing for 10 years and are going to keep on fighting until the fight is won; the decent citizenry does not willingly countenance such conditions."

In recent years an outstanding leader in the fight against the convict system has been State Senator Walter Brower of Birmingham, who is a candidate for re-election with abolition of all forms of leasing as the chief plank in his platform. Senator Brower led the anti-leasing forces in their legislative fight in 1923 which was lost by a 20 to 13 vote with the administration forces in the Senate lining up solidly against any change in the convict system.

An unusual feature in Senator Brower's race is that he is counsel for a newspaper being sued for alleged libel by Warden Charles R. Davis of Flat Top prison and that his opponent, Fred Fite, is counsel for Warden Davis in that suit. A third candidate may enter the field. Another feature is that while Senator Brower is counsel for 10 or 12 corporations of various sizes, he has been a leader in legislation against what are termed "corporate interests" and has strong labor support.

Warden Davis has charge of all convict mines and makes his headquarters at Flat Top, where James Knox, sailor convict, died supposedly a suicide. Attorney General Davis' inquiry produced testimony and medical statements that Knox probably actually died of heart failure superinduced by fear and that poison was pumped into his stomach after death to stimulate suicide.

The attorney general's investigation of this case has crystallized the sentiment against the convict system into definite action. Birmingham women, under the leadership of Mrs. J. M. Hankins, are planning a public mass meeting of protest and at it plans probably will be made for state-wide agitation.

This movement is an outgrowth of a similar one in 1923 when the state-wide committee was formed with Judge William Fort of Birmingham as chairman to protest against convict leasing. This committee conducted a thorough investigation into the mine prisons and denounced conditions. Two legislative committees previously had returned damning reports, and recently came the attorney general's, but always the situation was allowed to go ahead with only minor changes despite the protests.

Under this committee virtually every well known civic organization enlisted, and indications are that they again will get into the fight. Mrs. Solon Jacobs was prominent in it. Subcommittees were formed in every county in the state.

Three newspapers in Birmingham, Montgomery and Mobile owned by Frederick I. Thompson, shipping board member under Wilson, Harding and Coolidge, have vigorously opposed the system for more than three years, while the Post in Birmingham has conducted a strong campaign against it, and, in connection with the coming election, is urging its readers to see that "no more Brandons get into office."

Other papers around the state have opposed the system and the Birmingham News, which has been a staunch supporter of Governor Brandon, editorially demanded a cleanup after the Knox inquiry, though holding that convict leasing was not to blame.

Attorney General Davis, who conducted that inquiry, was candidate for governor but withdrew from the race when charges were made that his inquiry was prompted by political aspirations. He will run for Congress from the Seventh district, however, and denounces the convict system as a "shame to the state."

Another Davis, W. C. Davis of Jasper, is campaigning for the nomination for lieutenant governor against the present administration ticket with opposition to convict leasing as his chief topic of discussion. He has long been a leader in the fight against it.

Under the law, constitutional officials can serve only one elected term of office. Governor Brandon goes out of office next Jan. 17. The State Legislature meets Jan. 11, and Senator Brower will renew his fight then unless Governor Brandon takes action prior to that time. Under the law he has full power to end all forms of leasing and to withdraw prisoners from any surroundings he does not approve of.

McDowell, who has the support of the administration—in other words of the so-called machine—has not announced himself on any campaign subject as yet. He is sitting back letting the others talk. It is assumed that his platform will be largely support of the Brandon administration under which the legal technicalities of leasing were abolished in regard to state convicts, but nothing was done to end leasing of county convicts. McDowell in private life was a railroad attorney.

Bibb Graves of Montgomery, is a candidate for governor and against Brandon in 1923 he polled 40,000 votes in the primary. His stand on the convict system is given in these words:

"I am for the complete abolition of any system that will place state convicts liable to such treatment as has been reported in the recent official investigation of the death of James Knox. The only reform coming from the Brandon administration was to the state wards from under direct lease so corporations profiting by their labor will no longer be liable to civil suit in the event of injury from accident. I advocate removing the convicts from the mines entirely."

A. G. Patterson of Montgomery, another candidate, made this announcement when he opened his campaign:

"I advocate the abolition of the convict lease system and the removal of the convicts from the mines."

A. H. Carmichael of Tuscumbia, the fourth candidate, said:

"It is unthinkable that we of Alabama should tolerate methods of handling convicts which shock the sensibilities of all right-thinking people everywhere."

A peculiar feature of Alabama's laws is that candidates must file by April 1, although the primary—which is equivalent to election—is not held until the middle of August. In most other southern states the filing may be done up to within 15 or 30 days before the primary.

Thus it is quite possible for some outstanding election issue to come up long after it is too late for any champion of it to get into the race. Another peculiar feature of the code is that the attorney general, whose office generally is supposed to be a counter balance to the rest of the state offices in regard to such things as investigations, cannot spend a cent of money for inquiry without permission from the governor.

GOVERNOR HAS POWER TO END CONVICT LABOR

Kilby, When Chief, Had Flogging Stopped.

TWO SIDES TO THE CASE

Counties Declare They Will Have to Increase Their Taxes Tremendously If Not Allowed to Lease Their Convicts.

BY ORVILLE DWYER.

BIRMINGHAM, Ala., March 26. Gov. William W. Brandon of Alabama has the power under state laws to end every form of convict leasing in Alabama and to remove all possibility for such conditions as those under which James Knox met death at the Flat Top convict mine near Birmingham—by suicide through taking poison, according to the death certificate filed in his case, but actually from heart disease superinduced by fear according to medical testimony in an inquiry conducted by Attorney General Harwell G. Davis.

The laws of the state make the governor supreme in all convict working matters, regardless of whether the convicts are county prisoners or state prisoners. The bodies of county prisoners admittedly are leased to private corporations where the corporations have complete charge of them. State officials deny that their method of working state convicts in mines is leasing because the convicts are under state guards and state control, whereas under county leases county prisoners are under private control.

In defending their own system to the New York World News Service they frankly admitted the county leases and bad conditions in county camps, but maintained that the state only has "supervision" over county prisoners and that this supervision merely covers corporal punishment and living conditions. It was not until last August that even this supervision was taken over.

In 1922 the then governor, Tom Kilby, invoked his power over both state and county convicts by issuing, first, an order abolishing flogging in state prisons, and then another one abolishing it in county prisons. Flogging since has come into effect again. In an order to the then warden general, W. F. Feagin, on county prisoners alone, he said:

"Please refer to sections 6493 and 6494 of the code of 1907. Under the authority of those sections of the code, I wish rules forbidding the whipping of county convicts to be promulgated. Please prepare the necessary rules or order and submit to me for approval at your earliest convenience."

The present laws relating to the governor's power over convicts are found in sections 3660, 3676 and 3880 of the code of 1923, the most recent one. These sections read:

"Sec. 3660. Termination of Contract; Convicts to Be Delivered—Any contract for the hire of convicts may be terminated for cause by the president of the board (this refers to the state board of administration) with the approval of the governor, or may be terminated at any time by the governor without assigning any reason therefore; and upon notice of such termination the contractor must forthwith deliver all convicts held by him under such contract to the president of the board, or the court of county commissioners, or their agents, as the case may be."

The court of county commissioners is the county body which has direct charge of leasing and contracting prisoners from its county.

"Sec. 3676—Hard Labor Convicts Under Control of County Commissioners—Hard labor for the county shall be under the superintendence and control of the court of county commissioners or board of revenue who shall determine in what manner and on what particular works the labor shall be performed, and all convicts sentenced to hard labor for the county shall be under the direction and control of the court of county commissioners, or board of revenue, when worked or hired in the county where convicted, but otherwise they are to be under the superintendence and control of the board of administration."

"Sec. 3680—Inspection of County Convicts; Stipulation in Contract of Hire; Removal of Convicts—When convicts are sentenced to hard labor for the county and hired out by the court of county commissioners, the board of administration shall visit such convicts, shall rigidly scrutinize and inquire into the treatment and management of such convicts, and shall report to the judge of probate, in writing, the condition and treatment of such convicts. No contract shall be made by such court for hiring county convicts, without a stipulation therein that the contract shall and if the bond, in the opinion of the judge of probate, becomes insufficient, or if any convict is treated cruelly or inhumanly by the hirer or his employes. Whenever the board of administration shall notify the governor that convicts who have been sentenced to hard labor for the county shall be removed from the place where they are at labor, or from the control of the person who has them hired, he shall order the judge of probate of the county where said convicts were convicted to remove them from such place, or to annul such contracts as the case may be, and any judge of probate neglecting or refusing to obey such order shall be liable to impeachment and removal from office, as provided for in other cases, and in case the contract is annulled, or the convicts removed under this section, they may be kept in any jail in the state until they can be hired out again or disposed of in some other legal manner."

Thus, the governor through a stroke of the pen on an executive order, can remove all county convicts from leasing or do away with all criticised conditions for state or county convicts.

This power seemingly has been on the verge of being invoked through the past three administrations, but

always the convict situation has been jockeyed with and passed along to the next administration. The first organized fight against it came in 1915 under Governor Henderson. A bill ending all leasing passed the House and a legislative committee, after an investigation, turned in a damning majority report, but that was about as far as things went. Action was passed over to Governor Kilby and the next administration. Again a legislative committee urged abolition of the mine and lease features of the system and a law was passed ending all leasing in January, 1925. It was made effective on that date, its supporters said, to give the state officials time to study the problem and provide a substitute for mine work and leasing that could be carried out economically. Thus, the Kilby administration made its law effective in the succeeding, or present administration.

"If I had had any idea that the plans we made would not be carried out after proper deliberation over what to supplant them with, I would arbitrarily have ended the evils of the system myself," Kilby stated.

Gov. Brandon, when he took office committed himself to eventual abolition not only of leasing but of convict mining, but asked further time. So eventually, the law ending leasing again was revised and made effective in March, 1927, when another administration will be in power. And it if it wishes, may put the whole matter over to the succeeding administration. Under the law, no constitutionally elected officer can serve more than one elective term.

All of these delays have been made primarily on the announced ground of giving time to find some way to handle the convicts without adding further to taxation of the people and to arrange things so that the convicts may come as close as possible to continue to pour around $600,000 clear profit into the state treasury—this being the amount netted by the state in its three mines alone, and does not include profit in other prisons or in county work.

The counties maintain that their taxes will have to be increased tremendously if they do not lease their men, and all such changes must be done by legislation. The governor obviously has the power to end any feature of the lease or contract systems, but he has no power on the financial end, of course.

The state Legislature meets only once every four years, except when called into regular session, and the next regular session is not until January.

On the question of flogging, Alabama state officials maintain that it "is necessary for discipline," and that a suitable substitute could be installed. Former Gov. Kilby, when he abolished flogging—now again in effect—included in his executive order the following suggestions as substitutes:

"Encouragement of good conduct by the hope of reward through such privileges as credit marks, short time as provided by law, grading school and yard privileges with outdoor sports, moving pictures, tobacco, receiving visitors at stated times, writing letters, etc.

"Punishment for bad conduct by the withdrawal of all privileges, loss of credit marks, confinement to cell on Sundays, reduction in grades, in extreme cases solitary confinement, stripes and loss of time.

"Consideration should be given to the circumstances surrounding offenses, disposition and temperament of the convict, his past record and his general attitude toward fellow prisoners and department officials.

"Safeguards should be taken to avoid abuse of authority by wardens. Perhaps it would be wise to provide that extreme punishment should be administered only after approval of the warden general or the physician inspector.

I am sure you can work out a constructive system, based on a spirit of kindness and trust, that will be a tremendous improvement over the system that is abandoned."

(New York World News Service. Copyright, 1926, New York World, by Press Publishing Company).

Taxes and Convict Leases.

The recent atrocity at the Flat Top coal mine, near Birmingham, has brought about an investigation of the convict leasing system in Alabama.

Now it is authoritatively stated that the governor of the state has it in his power to put an end to the iniquity whenever he sees fit to do so.

But it seems the last three administrations have made use of the old political trick known as "passing the buck." That those in power realize the evils of leasing convicts is evidenced by legislative records.

In 1915, we are told, a bill putting to an end the system was passed by the House, but action ended there. The matter was passed along to the next administration, headed by Gov. Kilby.

During the Kilby administration a law was passed abolishing the lease system, but it was not to become effective until January, 1925, after the then governor had retired. The delay, it was explained, was in order to give the new state officials time to study the question and provide a satisfactory substitute.

A new administration took charge of state affairs, and the law was revised so as to become effective in March, 1927. At that time the administration now in office will have given way to another.

Thus we learn that each administration goes on record as being opposed to the leasing of convicts, but puts off the day of relief until another comes into being and assumes responsibility for the conduct of state affairs.

However, Gov. Kilby is quoted as having said: "If I had had any idea that the plans we made would not be carried out after proper deliberation over what to supplant them with, I would arbitrarily have ended the evils of the system myself."

Here is an elucidating excerpt from a story printed in our issue of yesterday, which may explain, in part, at least, why one administration has failed to put into effect laws handed down to it by a preceding administration:

All of these delays have been made primarily on the announced ground of giving time to find some way to handle the convicts without adding further to taxation of the people, and to arrange things so that the convicts may come as close as possible to continue to pour around $600,000 clear profit into the state treasury, this being the amount netted by the state in its three mines alone, and does not include profit in other prisons or in county work. The counties maintain that their taxes will have to be increased tremendously if they do not lease their men, and all such changes must be done by legislation. The governor obviously has the power to end any feature of the lease or contract systems, but he has no power on the financial end, of course.

So that narrows the question down to the weighing of justice against dollars and cents. The state may maintain a barbarous system of slavery and save money in taxes, but if it gives its delinquents a square deal it must pay more for the upkeep of its government.

We believe that if the matter were put squarely up to the people of Alabama they would unhesitatingly declare for justice, regardless of any monetary involvement. Recognized abuses, such as the leasing of convicts, have no place in our scheme of government.

Taxes affect only the pocketbooks of a people. Licensed cruelty and oppression weaken their morals and stain their souls.

"The love of money is the root of all evil," said St. Paul the Apostle. We know of nothing to which the statement could be more appropriately applied than to the convict leasing system.

It is to be hoped that the present administration in Alabama will have the courage to abolish it, regardless of tax rates, and that every other state that has tolerated it will wipe it out.

Convicts

(From Columbus, Ga. Enquirer-Sun)

"Time was," says the Sylacauga (Ala.) News, "and not very long ago when there were very few white men in convict camps, now they are as common as Negroes and almost as numerous. Are the Negroes getting better, or our white folk worse?"

This is an interesting question. We are unable to give the correct answer. Probably, however, it would be true to say that the Negroes are showing a tendency toward improvement, while the whites are finding the law less lenient toward them. And it is also true that in proportion to their opportunity, the Negroes of the country are making greater forward strides than the whites. Commenting on the statement of the Sylacauga News, the Montgomery Advertiser says:

"Assuming that the News' premises are correct, we suggest this as the explanation: Juries are fairer than they used to be. They are more disposed to chop away and let the chips fall where they may. It makes a good deal less difference to them whether the person on trial is white or black. They still fail to convict a good many people who are generally believed to be guilty, but the person who escapes at the hands of the jury is quite as likely to be black as white. The white man has fewer special privileges in the court room today than at any time since Appomattox.

"Who have not heard in recent years his fellow jurors say as they retired to their chambers to pass upon the fate of the Negro at the bar: "This fellow is a Negro. Let's take special pains to be fair to him?"

There may be something in the suggestion of the Advertiser. Certainly there should be. Justice should not be able to distinguish white from black, nor yellow from red, but all colors should be regarded as identical and treated similarly when they appear before the bar of the courts for trial for crimes committed.

GRAND JURY TO PROBE JAMES KNOX'S DEATH

Inquiry to Begin Into Flat Top Convict's "Suicide."

BIRMINGHAM, Ala., April 8.—(AP)—The Jefferson County grand jury will institute an investigation into the death of James Knox, Flat Top convict, on April 26.

This was announced this afternoon after the grand jury had made a partial report to Judge J. P. McCoy, in the criminal division of circuit court.

It is understood, through the announcement of Solicitor Hill Davis, that he intends going to the depths of the affair, that the grand jury considers an investigation into circumstances surrounding the death of the convict as its most important work.

The grand jury has set the date two weeks ahead in order that members of the solicitor's office may be given sufficient time to summon all witnesses in the case.

Knox died of pneumonia, according to the report of Attorney General Harwell G. Davis, and after his death poison was pumped in his stomach with the apparent intention of making it appear that the convict had committed suicide.

ONCE MORE the New York *World* is making an attack upon a Southern convict system, this time in Alabama where the Attorney General has revealed the case of one convict done to death as a result of cruel and inhumane treatment, his body subsequently being filled with bichloride of mercury to make him appear a suicide. There are other cases reported of cruel and inhumane treatment, one man having his arms broken and many others being beaten in order to speed them up. No less than thirty-two cases of flogging are reported as occurring in 1925, although this form of punishment was "stopped" by the Governor in 1922. There is nothing surprising in this. These things will continue to happen just as long as the convict-leasing system remains and the State thinks it can make money out of the bodies and souls of those whom it convicts of violating its laws. It is of no importance whether the State made $595,000 in 1925 or whether it will make $1,000,000 in 1926; just as long as human beings have absolute control over the bodies of other human beings there will be torture, murder, and malfeasances without end. Precisely as there is no system of human slavery that can be devised that will not be an unending atrocity, so there can be no penal slavery of the convict-gang type which will not remain a stench in the nostrils of all decent human beings. A good warden may turn up here and a fine one there; that will be merely accidental. The viciousness within the system will result in exposés at regular intervals—and nothing will be remedied until the whole abominable theory that a State shall make money out of its criminals, and allow other people to do so, is done away with.

Crime 1926 I. Alabama

'LAW AND ORDER' SUNDAY PROCLAIMED

Governor Calls on People of State to Rigidly Observe January 24

All Alabamians are urged by Governor W. W. Brandon, in formal proclamation issued Wednesday, to fittingly observe Sunday, January 24, officially designated by him as "Law and Order Sunday," by rededicating themselves to the strict observance of all laws, allegiance to the constitutions of the state and nation, and respect for constituted authority.

The text of the proclamation by the chief executive follows:

"Whereas, Sunday, January 24, has been designated as 'Law and Order Sunday,' and

"Whereas, there can be no higher duty than the duty of safeguarding our people to strict observance of all laws, strict obedience to constituted authority and unreserved repudiation of any and every effort to undermine the form of government under which as a free people we have lived and prospered. We, therefore, renew our vows and call upon the law-abiding and law-respecting people of Alabama to rally to the precepts and principles of the fathers and to pledge anew their allegiance to those fundamental things that have given stability and power to this commonwealth and that alone can guarantee order, peace and prosperity to our people.

"Now, therefore, I, William W. Brandon, as governor of the state of Alabama, do hereby set apart and designate the 24th day of January, 1926, as "Law and Order Sunday" and request the people of Alabama to meet in churches, school houses and other public places, and by appropriate programs and speeches, rededicate themselves to the strict observance of all laws, and allegiance to the constitution of the United States and of the state of Alabama, and respect for constituted authority.

TESTS FOR POISON TO REQUIRE SEVERAL DAYS, ROSS ASSERTS

State Chemist Indicates Analysis in Knox Case Will Not Be Completed This Week

TO FILE REPORT WITH JEFFERSON SOLICITOR

Examination of Vital Organs Under Way; State Officials Silent

Examination by Dr. B. B. Ross, state chemist, of the vital organs of James Knox, convict, who died at Flat Top prison in August, 1924, was underway at Auburn Thursday night. The purpose of the analysis is to determine whether the death of Knox was caused by poison.

How long it will take to complete the test Dr. Ross said Thursday evening, he could not state definitely, as the time necessary to make such an analysis varies with different examinations. He stated, however, that it will be several days at least before the work of analysis can be finished.

His report on the results of the test, he said, will be forwarded to Solicitor Jim Davis of Jefferson county, who, it is understood, will file the report with Attorney General Harwell G. Davis, who is conducting the investigation into the death of Knox.

Attorney General Davis stated on Thursday that he could add nothing to the statement given by him to The Advertiser Wednesday night, except to say that he had not received a report on the autopsy performed following the exhuming of Knox's body last Monday. It is believed that report on the autopsy and its results will not be complete before the first of the coming week.

Chairman L. A. Boyd of the state board of administration again declined Thursday, to make any statement concerning the progress of the investigation of the death of Knox, reiterating his former announcement that any information concerning the investigation that is given out, must be given out by Attorney General Davis, who is personally directing the inquiry into the death of the convict, Knox, at Flat Top.

SENSATIONS ANTICIPATED

BIRMINGHAM, ALA., Jan. 28.—(AP)—Testimony of a sensational character in connection with the death of James W. Knox, young West Virginia, who died in an Alabama mine camp in August, 1924, was said today to have been placed in the hands of state authorities.

Three persons have told authorities they witnessed the death of Knox and their statements are said to differ widely from the prison records. These witnesses charged that Knox was "ducked" first in a vat of cold water because he would not, or could not, dig coal, and later hot water was turned into the vat and he was scalded to death. The allegations further charge that a quantity of metallic poison was pumped into the man's body.

The prison records show that Knox died from poison self-administered. The record says he lived just thirty minutes after taking poison.

When the statements of alleged witnesses were placed before state authorities it brought to light the record and a study of it by physicians attached to the convict department caused the question to be raised whether death would ensue within 30 minutes after taking the metallic poison in question, which was said to be slow acting in its nature. It was stated that the case hinges largely upon that point.

Knox died on August 14, 1924, seven days after he reached Flat Top mine from Mobile. He was under a two year sentence following a plea of guilty to forging a check for $30.

Knox was buried in the Flat Top cemetery. The body was not embalmed. However, it was declared to have been "in exceptionally good state of preservation" by officials who participated in the autopsy and chemists believed that conclusive results might be obtained by the examinations now in progress.

PRISON INSPECTOR RECOMMENDS IMPROVEMENT IN 6 COUNTY JAILS

St. Clair, Cleburne, DeKalb, Tuscaloosa, Autauga and Cullman Prisons Found Wanting, Report Shows; Druid City, Said Satisfactory as New Bedding Expected

Need of improvement in various county jails in Alabama, is pointed out by Dr. Glenn Andrews, state prison inspector, in a series of reports filed Saturday with Governor W. W. Brandon, on inspections of county jails and a number of almshouses, located in twelve different counties. Some of the reports, however, show that conditions found by the inspector, were very satisfactory. The inspector's most severe criticism, perhaps, concerns the two jails in St. Clair county, one at Pell city and the other at Ashville.

Inspection of the Pell City jail was made on February 4. No prisoners had been confined there since February 2. Of this jail the inspector says it was found to be in an unsatisfactory condition and showed neglect throughout. "The yard was littered with trash, the interior of the building was dirty, and the walls were smoked and defaced with writing." The plumbing needed repairing, the roof leaked, the brick and concrete walls were broken in several places, and repairs were needed to be made at once. Interior of the jail and the iron fence around it needed painting.

One white prisoner was confined in the jail at Ashville. The jail there was found in bad condition, very dirty and showing general neglect throughout. Clothing of the prisoner and the bedding were dirty. The prisoner stated he had not bathed since he had been committed to the jail about a week before. Water works were out of order. Sanitary connections were in unsatisfactory condition. Jail and iron fence around it needed painting. Prisoner said he got ample food. At the almshouse premises needed some repairing. Kitchen and dining room were clean and rooms and bedding of inmates fairly clean.

Report on the Cleburne county jail says repairs and necessary improvement ordered to be made some time ago had been only partially carried out and with only indifferent success. No window guards or screens had been installed to safeguard against outside communication; window lights were broken; two stoves used for heating were broken and worn beyond safety or comfort and water system installed was inadequate. Drains used in carrying off water used to clean the jail were improperly placed making it impossible to drain the floors. Window through which two prisoners escaped needed repairing. Bedding was clean and prisoners were well cared for.

The DeKalb county jail needed cleaning. Clothing of prisoners and bowels were dirty. Prisoners stated they did not bathe regularly. No bath tubs were provided. Lighting and heating systems were in order, but plumbing needed repairing. Automatic locks were out of order; iron bars in several of the windows had been sawed through and the interior of the jail needed painting. Rooms and bedding at almshouse found fairly clean, but some repairs needed to sanitary connections.

On inspection of the Tuscaloosa city jail, it is stated, it was found the building needed cleaning. Bedding in the negro cells was very dirty and much of it torn and ragged. Chief of police said bedding had been ordered some time previously and was expected daily. The Tuscaloosa county jail was found to be in a sanitary condition. Condition of Blount county jail was relatively good but some repairs were needed. Some repairs were needed at almshouse.

Floors of the Autauga county jail were found fairly clean but walls were stained and dirty. Prisoners, one white man and three negro men, stated they had not bathed in some time. Clothing of white prisoner

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It was written at the time of his father's death. I have it with me."

"A married man's offer of marriage," she concluded, "wasn't worth much."

But now? "He is the last man in the world I would marry! He is nothing to me."

An army of women already have mobilized behind her. Today the secretary of labor at Washington received a telegram of protest against the double standard implied in her exclusion, and also the earl's presence here, signed by prominent women leaders of New York.

Not Championing Cause

"We are championing the cause of Lady Cathcart," said the women's message. "We are not acquainted with her. The purpose of this is to ask why the woman is excluded for an act which has not barred the man, although he is admittedly as guilty as she."

The women signing were: Mrs. A. Gordon Norrie, Mrs. Raymond Brown, Mrs. H. C. Dreier, Mrs. John Blair, Mrs. Alice Duer Miller, Mrs. Norman De R. Whitehouse, Mrs. James Lees Laidlaw, Mrs. James Russell Parsons, Mrs. Lavis S. Thompson.

Similar sentiment was reflected in statements by Miss Doris Stevens, president of the National Woman's party, and Mrs. Leslie Tompkins, lawyer and leader of the New York League of Women Voters.

was fairly clean but that of negroes was dirty. Heating system was in order but the pumbing was not. A number of screens were broken out and needed to be replaced. The Cullman county jail was found fairly clean, but the walls were stained and defaced. Bedding was fairly clean, but clothing of the prisoners was dirty. Plumbing needed repairing. Condition of almshouse was fairly good.

The Cherokee county jail and almshouse were found to be in satisfactory condition. Conditions at the Etowah county jail were found satisfactory. The same condition was reported on inspection of the Marshall county jail. The only criticism of the Talladega county jail was the finding of several soiled mattresses and the need of some new blankets, also repairs were needed to some locking devices. Conditions at the Shelby county jail were found satisfactory, but it was recommended that the building be painted throughout.

NEGRO ASSAULTER GETS PEN SENTENCE

Coley Given Aggregate of 36 Years; Other Prisoners Sentenced Saturday

Robert Coley, negro, charged with assault to murder and burglary in connection with entering the home of R. M. Smith, dairyman, near Washington Park, was given an aggregate sentence of 36 years and 40 months, by Judge Leon McCord, Saturday.

The negro was alleged to have attacked Mr. and Mrs. Smith with a hoe while the couple were asleep in their home. He denied the accusation on the stand, but a verdict of guilty was returned. He was sentenced to 18 years and 20 months on each charge.

Two men were given penitentiary sentences following conviction on false pretense or bad check charges. They are Joe Benton, of Dothan, three to four years, and E. D. Jones, 12 to 18 months. Benton appealed his verdict.

Other sentences passed Monday were:

Bolling White, removing mortgaged property, one year and 103 days hard labor; J. J. Chappell, grand larceny and removing stolen property, two years and 96 days hard labor; Tillman Dawson, embezzlement, one to three years in the penitentiary; Grant Autrey, grand larceny and removing stolen property, two years and 50 days hard labor; James Larkins, grand larceny and removing stolen property, 18 months and 50 days hard labor; Henry Austin, grand larceny, and removing stolen property, one year and three days in the penitentiary; George Blackmon, grand larceny, two years and 86 days hard labor; Leonard Cobb, grand larceny and removing stolen property, one year and six months to two years in the penitentiary; Nathan Coleman, petit larceny, six months and 55 days hard labor; burglary, 3 to 5 years in the penitentiary; William Goss, grand larceny, 12 years and 15 months in the penitentiary; James Larkins, carrying concealed pistol, six months and 59 days hardl labor; E. T. May, removing mortgaged property, 18 to 24 months in the penitentiary.

Capital cases will be heard when court convenes again on Monday, February 22.

THREE BIG FIRMS USE CONVICTS IN ALABAMA

Independent Mines Prefer to Build Up Loyal Forces.

EVILS OF SYSTEM SHOWN

Sloss-Sheffield, Northern Capital, Controls Flat Top Mines Where Knox Died—Convicts Alleged Unmercifully Beaten.

FEW ALABAMA MINES USE CONVICT LABOR

(Special to The Commercial Appeal.)

BIRMINGHAM, Ala., March 22.—Only four mines in Alabama are operated by convict labor, although convicts are worked in other industries in the state, both by the state and under the lease system. Of the four mines using convict labor, three use state convicts and one county convicts.

The four mines using convicts are located at Flat Top, Aldridge, Banner and Wegra. Wegra uses county convicts.

BY ORVILLE DWYER.

BIRMINGHAM, Ala., March 22.—Alabama convicts sent to work in mines and other properties of private corporations go primarily to three concerns—the Sloss-Sheffield Steel & Iron Co., one of the country's largest; the Alabama By-Products Corporation and the Montevallo Coal Company.

Aside from these three concenrs, Alabama coal mines do not employ the convict leasing system. They have, on the contrary, built up a loyal working force through kind treatment and fair dealings with paid workmen.

The Sloss-Sheffield company, largely controlled by northern capital, owns the mines around the Flat Top camp, where medieval cruelties were charged recently in the official investigation of the death of James Knox, who is alleged to have died in a "ducking vat."

Alabama's method of handling its convicts really is a dual system. In all of 67 counties the county convicts are leased at so much per head to private concerns and individuals for work in coal mines, saw mills, farms, roads and what not. The concern leasing them works them as it sees fit, with its bosses and guards, inflicts its own punishment generally, and the only state supervision is a requirement to get permission from the state board of administration before flogging prisoners and to submit to a monthly inspection as to such things as sanitation. The system admittedly is out and out leasing of human beings into bondage.

Under the system of handling state convicts, the prisoners originally were leased the same way. A year ago, in response to popular disapproval, Gov. Brandon changed it. The state now leases three coal mines, works them with its convicts under state guards and control, and sells the coal back to the company the mine is leased from. It leases men at so much per head to a saw mill, but there also all guards and control are under the state. It maintains four other prisons, none of them mines, where cotton mill and similar work is done, and the state sells the articles as it sees fit.

Under the two systems, so far as mine work goes, there is one indisputable fact revealed by the New York World News Service's inquiry:

Each system swings the door wide open to possible cruelty and inhumanity, the only difference being who has the opportunity to administer the cruelty and inhumanity. Under the county system, the private corporation guard has the chance. Under the state system, trusty convict straw bosses known as "check runners" are in charge of gangs within the mines, and they have as an incentive for driving the men the lure of sharing equally with the convict miner in pay for extra coal mined, even though the check runner does no real manual work himself. The state sets each man a certain tonnage per day. All over that brings him 35 cents a ton, and the check runner shares equally with the miner in this bonus.

Outstanding facts.

Outstanding in the whole situation are these points:

1. There is testimony, some produced through the Knox death independently, that convicts in the mines have been unmercifully beaten with steel trolley wire, hickory sticks, shovels and other instruments by check runners and guards, state employes, because they weren't getting out as much coal as the check runner thought they should. In most of these cases there is testimony from the check runner either denying the assault or maintaining it was self-defense, but in the majority of cases show a preponderance of evidence through eye-witnesses or similar testimony indicating extreme and unnecessary cruelty.

2. The state legally countenances and administers flogging with a leather strap as one form of punishment, the regulations providing that the state board of administration must issue written permission before a flogging is administered and a prison doctor or representative must be present. It is directly charged and evidence submitted in support that under this system many unrecorded floggings are administered. This is denied flatly by prison wardens.

3. The state authorizes punishment known as confinement in "dog houses." These are board, coffin-like affairs, just big enough for a man to wedge himself in. The convict is locked in them for periods up to 48 hours for such things as fighting or failing to work. After a few hours the body swells, frequently bleeds, and the mental and physical anguish usually exhausts the prisoner. One warden told the New York World News Service reporter that he was "afraid of the dog houses because they nearly always send the men to the hospital and I'm always afraid one will come out dead." Each prison has 10 to 20 of them.

4. The state's attempt to assign to each mine convict a certain tonnage of coal per day, regulating it by mining experience and physical fitness of the man, is obviously a fallacy. Once in the mine there is no way to tell whether an individual mines four or 10 tons a day. Men of all classifications load into the same cars. Thus a green weakling may have to load as much as an experienced husky.

Revenue To State.

5. The state nets a tremendous revenue through trafficking in the physical strength of its convicts. For the fiscal year ending Sept. 30, 1925, the net profit after paying all upkeep and administrative expenses from the labor of an average of 1,507 prisoners in the three state operated coal mines was $595,394.36. The total tonnage mined was 1,171,781 in the Flat Top, Banner and Aldrich mines. The counties get approximately $200,000 to $250,000 a year on their outright leases.

6. The state maintains that it is necessary to make its convicts self-supporting and that to do this it is necessary to work them in mines. Against this are figures from the state itself showing that the five non-mining prisons, with 1,784 convicts, turned in a net, clear profit of $331,140.14 for the last fiscal year. These prisons, River Falls, Kilby, Speigner, No. 4 and Wetumpka, each proved themselves individually self-sustaining with the exception of Wetumpka. There the tuberculosis hospital is located for all convicts and they of course cannot work. Later figures indicate that even Wetumpka may be self-sustaining this year.

7. During the last fiscal year, 33 of the 62 convict deaths took place in mine prisons. Of the other 29, 12 were at the Wetumpka tuberculosis hospital, some of these cases coming from mines. Sixteen of the deaths in mines were from causes existing only in the mines, nine from pneumonia, influenzia and grippe, and only three from ordinary diseases.

8. While the state maintains that many prisoners prefer to work in the mines, the fact remains that there have been many cases, particularly at the Wegra mine for county convicts, of prisoners deliberately maiming themselves with dynamite to avoid mine work. Two men at the State Flat Top mine recently put dynamite in their shoes and set it off. The wardens always maintain that the men doing these things are the tough type who would do anything rather than do any work.

9. The mines, so far as physical condition goes, are usually kept in the best possible shape particularly as to ventilation and sanitation. They are electrified and only at Aldrich is pick work done. At the others the coal is brought down by machines and blasting, the men simply loading the cars with shovels and picking out the rock.

Political Jockeying.

10. The situation has been jockeyed with politically. Three administrations have passed remedial laws, but each time the law was made effective in the next administration which calmly changed it to become effective in the following. Any attack or defense concerning the system is promptly denounced by the other side as politics.

11. Three committees have investigated in the past legislative bodies in 1915 and 1919, and a group of citizens in 1923. Each made almost identical reports—denouncing the conditions in the mines as cruel, inhumane, barbarous and damning to the state. In no case has any definite action resulted. The coming gubernatorial campaign this summer may be fought out on the lines of the convict system.

12. Efforts at the last Legislature session, in 1923, to pass laws abolishing any form of leasing and changing the convict system generally was defeated by approximately the same vote each time with the present administration supporters lining up solidly against them.

13. The advantage to the coal companies in using convict labor is not in getting cheaper labor, but in getting an assured tonnage at an assured price regardless of labor conditions. The price paid the state is on a free labor basis, generally speaking. In the past it has been difficult to get free labor to work steadily in the Aldrich mine because of natural conditions peculiar to it. The owners have done everything possible to improve its working conditions.

Cannot Sue.

14. Under the lease system a prisoner could sue the company if injured. Now he can sue neither company nor state, but comes under state compensation regulations. The amount he is to receive is set by the state board and he has no recourse from its decision.

15. Convicts in the mines earn approximately $75,000 a year or an average of about $4 a month each by mining coal in addition to the tonnage assigned. Under the rules, extra work is not compulsory, but it is freely charged that the convict bosses make it so, beating any man who doesn't stay down for extra work.

16. In the midst of a system viciously attacked from within and without the state, Alabama has one of the finest prisons in the country at Kilby, Ala., costing around $2,000,000 and erected during the administration of former Governor Tom Kilby.

The Knox case has become the crux of the whole situation for it has brought out many extraneous charges of cruelty. Attorney General Davis, in his report to Governor Brandon after exhuming Knox's body and taking testimony in several states, charged that the death certificate showing Knox died from poison was false and presented medical testimony that bichloride of mercury was pumped into his stomach after death to simulate accidental death or suicide. This report was a direct attack on Warden Charles R. Davis, in charge of all convict mines, who was in charge and at the prison when Knox died. Investigation of it has brought in a third Davis—Jim Davis, Jefferson County prosecutor—who will have charge of any further inquiry. None of them are related.

The Knox case developed from a statement by Wiley Pugh, a convict trusty, telling of the pumping of poison and his testimony found support

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from some convicts and from the autopsy, and denunciation from those implicated in his charges.

But, in this case as in all inquiry into the convict system, a sharp cleavage develops in all testimony and evidence. Men still in the mines generally decline to make any charges, though there are exceptions. Men no longer at the mines generally are free in charging cruelties and inhumanities, though there also are exceptions here.

The New York World News Service correspondent has personally gone into the mines, talked with convicts in and out of them, inspected all convict contracts and state records and reports and in succeeding articles will detail these presenting the claims of both sides to the question impartially. These facts deal primarily with the situation at the present moment, but in leading up to it some mention of inquiries in the past should be made. In 1915, the state legislative committee investigated and turned in a majority report which included the following:

"After consideration we have been forced to the conclusion that the lease system in Alabama is a relic of barbarism, a species of human slavery, a crime against humanity. . . . Lessees should not have the authority after judge and jury have acted to add punishment which no court in the first instance would have imposed."

Legislative Report.

Four years later—1919—a second legislative committee said in its majority report:

"It is hard to describe the cruelties, woe and misery growing out of such a system. Surely we must have inherited it from the dark ages. . . . Not even the state has any right, legal or moral, after they are sentenced, to add thereto cruel and unjust punishment or to place them in extra hazardous places to perform their work, where they will be maimed, disfigured and in many instances killed outright."

In his message to the January Legislature in 1923, Governor Brandon said:

"I believe, however, that in time the lease system should be abolished and prisoners should be taken from the mines . . . the convict should be kept busy and his labor should bring some revenue to the state and I would favor a part of his earnings, if he left a destitute family, to go to them. . . . I would favor and do now favor the abandonment of the lease system as soon as practicable. . . ."

He said he wanted more time to study the problem and at his request the Legislature postponed until the July session the law passed in the previous Kilby administration ending leasing at the start of Brandon's. At the July session he again asked time and the law was postponed to become effective next March—in the next administration. Brandon, meantime, has ended the old form of state leases in the mines as explained, but still has the men in the mines and counties still leased.

In 1923, a committee of women investigated with the same result as the legislative committees. They reported men strung up by their hands in dog houses, their feet off the ground, blood oozing from their shoes and wrists. The stringing up has been stopped as a result of this report, but the dog houses still are used.

A second article tomorrow will go further into Alabama convict conditions.

YEAR'S COST OF FEEDING ALABAMA PRISONERS $78,142 LESS THAN IN 1915

Inspector's Report Shows Great Saving to State Despite Increase of 5,244 Jail Occupants For Respective Periods; Average Daily Individual Food Expense 35.04 Cents

3-23-26 Advertiser

It cost the state of Alabama $78,142.07 less for the fiscal year 1925, to feed 32,268 prisoners in county jails in the state, than it cost for the year 1915 to feed 27,042 prisoners, though the price of food has greatly increased since 1915.

These figures are given by Dr. Glenn Andrews, state prison inspector, in a report just submitted by him to Governor [illegible] Brandon, on the comparative cost for feeding prisoners in the county jails for the fiscal years ending September 30, 1915, and September 30, 1925, respectively. The figures quoted tend to show a great saving to the state under the present law as compared to that in effect in 1915.

While during the fiscal year ending September 30, 1925, there was an increase of 2,318 in the number of prisoners in county jails, as compared with the previous fiscal year, according to Dr. Andrews' report, the daily per capita cost of feeding these prisoners was 35 4-10 cents. In 1925, as against a per capita cost of 38 6-10 cents in 1924, showing a saving in 1925 of $10,980.73.

In his letter to Governor Brandon, Dr. Andrews points out that the primary object of the present law was to secure better and sufficient food. To that end, he says, the statute provides an amount, on a sliding scale, according to jail population, for food stuffs and a separate amount as an allowance to the sheriff for services, and that it properly requires an accounting for the expenditures of the state's money.

"While in some instances the feeding is not what it should be," Dr. Andrews states, "there has been a tremendous improvement in the food served the prisoners, and it is generally satisfactory;" and this, he says, at a saving to the state, though providing a liberal allowance for the sheriff for service. Dr. Andrews says a slight amendment to overcome the point raised by the appellate court in construing the law, will render the statute easily enforceable. He adds that this amendment should be made, "for the value of the law has been fully demonstrated."

Total of 27,042 prisoners were committed to the county jails of the state during the fiscal year ending September 30, 1915, it is stated, which was the greatest number prior to the time when for various causes, the commitments showed marked increase. Dr. Andrews calls attention to the fact that the smallest number of commitments, 16,456 was during the fiscal year ending September 30, 1918, from which date there has been a gradual though decided increase, until the past fiscal year when commitments totalled 32,268, an increase of 5,226 over 1915 and 15,812 over 1918.

"Under the present statutes of the state," Dr. Andrews declares in his letter to the governor, "the operation of the county jails is unnecessarily wasteful and burdensome." He recommends that the control and management of these institutions should be placed absolutely in the hands of the county governing authorities, thereby relieving the sheriffs of this responsibility. He recommends also that the sheriffs be placed on salary, "so that they may devote their undivided attention to the duties of the office, and not be concerned over the desire for the accumulation of fees in order to gain a support for themselves and their dependents."

WHITE AND NEGRO CONVICTS

Picking up Charles H. Greer's Sylacauga News in quest of something interesting to quote or comment on, we were not disappointed. We found this:

> Time was, and not very long ago, when there were very few white men in convict camps, now they are as common as negroes and almost as numerous. Are our negroes getting better or our white folks worse?

Advertiser

Assuming that the News's premises are correct, we suggest this as the explanation: Juries are fairer than they used to be. They are more disposed to chop away and let the chips fall where they may. It makes a good deal less difference to them whether the person on trial is white or black. They still fail to convict a good many people who are generally believed to be guilty, but the person who escapes at the hands of a jury is quite as likely to be black as white. The white man has fewer special privileges in the courtroom today than at any time since Appomattox.

Who has not heard in recent years his fellow jurors say as they retired to their chambers to pass upon the fate of the negro at the bar: "This fellow is a negro. Let's take special pains to be fair to him?"

THIRTY-EIGHT CONVICTED LAST YEAR FOR FIRST DEGREE MURDER

Report For Fiscal Period by State Board of Administration Shows 251 of 2,899 Prisoners Under Twenty Years; About Half of Total Unable to Read and Write

At the close of the last fiscal year, September 30, 1925, there were 472 convicts in Alabama state prisons and prison camps serving sentences for murder in the first degree; 457 for murder in the second degree, and 443 for violation of the prohibition law; 255 for burglary, 247 for grand larceny; 203 for manslaughter; 178 for assault to murder; 160 for forgery; 139 for robbery and 112 for burglary and grand larceny.

One prisoner was serving a sentence for a challenge to fight a duel. Five were doing time for attempting to wreck a railroad train and 15 were under sentence for bigamy.

These figures are taken from the annual report of the convict department which is in charge of Chas. S. Nolen associate member of the state board of administration, this report dealing with statistical information regarding convicts confined at state prisons and prison camps in Alabama.

The reports shows that on October 1, 1924, there were on hand in all of the state penal institutions, a total of 2,899 convicts. During the fiscal year beginning that date, 1,285 prisoners were received at state prisons and prison camps, from county jails; 47 escaped convicts were recaptured; paroles of 44 were revoked, 334 were received from temporary parole; 732 were discharged from custody at the completion of their terms; 404 were paroled; 354 received temporary paroles; 9 prisoners received new trials under decisions of the higher courts; 52 escaped, 62 died from all causes and five were paroled into state insane hospitals.

At the close of the fiscal year on September 30, 1925, there were on hand in all state prisons and prison camps, 2,991 prisoners, 1,002 white men, 1,849 negro men; 8 white women and 132 negro women. During the year Montgomery county sent 85 prisoners to the penitentiary, Mobile 63 and Jefferson 163. Greene county sent the smallest number, 3. Thirty-eight prisoners were sent up to serve prison sentences during the year, for murder in the first degree; 63 for murder in the second degree, 83 for manslaughter; 180 for grand larceny; 151 for burglary—and 510 for violating the prohibition law.

Two hundred and fifty-one of these prisoners were 20 years old or under, and 331 were between the ages of 21 and 25 years. Of the prisoners on hand at the close of the fiscal year, 1,967 could read and write, and 1,024 could not; 2,205 were employed at the time of arrest and 786 were not. Of the prisoners who died during the year, 13 succumbed to tuberculosis, 5 were accidentally electrocuted, 7 were killed by falls of rock in the mines and 4 were killed by other prisoners.

NEGRO MUST HANG FOR AXE MURDERS

Supreme Court Upholds Sentence of Jefferson Man; Verdict Sustained

Frank Owens, negro, convicted in Jefferson county of attacking with an axe, and robbing Richard Warner, a white man, must pay for his crime with his life. Upholding judgment of the circuit court of Jefferson county where Owens was found guilty of robbery and sentenced to death, the Alabama supreme court, in decision Thursday, set Friday, May 7 as the date for Owens' execution.

4-2-26

The offense of which Owens was convicted occurred during the epidemic of axe murders which swept the city of Birmingham some months ago, and was one of the last of a series of murders and murderous assaults. Mr. Warner, the victim of the attack, was assaulted and seriously wounded with an axe as he was passing the mouth of an alley-way in the city of Birmingham. As he lay unconscious, he was robbed of seven dollars in money and a gold watch.

Following conviction of Owens, his counsel took an appeal. This appeal was based on the contention that reversible error was committed by the trial court in the overruling of a motion by the defendant for a change of venue. In opinion by Justice A. D. Sayre, the supreme court, affirming the case, ruled, however, that the ruling of the trial judge on the motion was free from error. In this connection evidence and testimony introduced during the trial, was discussed in the opinion, at length.

Ruling of the Alabama court of appeals was reversed by the supreme court in the case of B. W. Crisp vs. state, appealed from Jefferson county, and which has attracted considerable attention throughout the state. Crisp was convicted in the lower court of

manslaughter in the second degree, in connection with the death of Elmer Paul Jacobs, who was killed by being run over or into by an automobile. Sentence of five months at hard labor was imposed, and Crisp took an appeal.

The appellate court reversed and remanded the case on the ground that charging of the jury by the trial judge that if they found the defendant had violated a certain specified speed ordinance, they should bring in a verdict of guilt of manslaughter in the second degree. Proof that shows no more than the death of a person resulting from a violation of a speed regulation is insufficient to authorize a conviction for second degree manslaughter, the court of appeals ruled. Thereafter, on motion of the state, the case was transferred to the supreme court for reviewal.

Majority of the supreme court, in the decision announced Thursday, held that the error cited by the appellate court in the charge of the trial judge to the jury, was cured by an additional written charge to the jury by the judge presiding. Justice B. M. Miller, however, dissented from this ruling and concurred in that of the court of appeals. Effect of the majority decision of the supreme court is to affirm the trial court's judgment, unless upon further consideration by the court of appeals, other error is found.

Alabama Cleans Up Million Annually on Convict Leases

"It Is Bartering the Lives of Human Beings for Gain," Says Tom Kilby—Figures Show How Profit Is Made.

BY DONALD EWING.
(New York World News Service)

BIRMINGHAM, Ala., March 29.—Alabama's convict system, under which almost unbelievable instances of cruelty have been charged to exist, is one of the south's big industries. In the convict work 400 free men are employed, close to one and a half million tons of coal are mined annually, more than twenty-one million feet of lumber is cut, more than nine million yards of cloth is produced, thousands of such things as union suits and shirts are made and a net, clear profit of close to $1,000,000 a year is returned to the state. Prison property and equipment is worth $4,000,000.

Most of the profit comes from the three coal mine prisons—Flat Top, Banner and Aldrich—the exact figures for these being $595,394.36, while the five non-mining prisons—Wetumpka, Speignor, Kilby No. 4 and River Falls—return an annual net profit of $331,140.14. These figures are all taken from the convict department records for the last fiscal year.

Governor Brandon and L. A. Boyd, president of the State Board of Administration, which has charge of the convict department, point with pride to the tremendous profits netted, but opponents of the convict system see in it a blot on the state, particularly the profit from the mines where it is charged that the men are inhumanely treated.

"Alabama's convict system barters the lives of human beings for gain," said Tom Kilby, former governor, "and that is blood money."

To which the governor replies that the state is entitled to and takes a "reasonable profit" from its convicts.

The figures show that Flat Top is the most profitable unit in the convict industry of the state itself. It was at Flat Top that the recent investigation by Attorney General Harwell G. Davis centered. This inquiry brought evidence that, while the death certificate of James Knox, a sailor serving 10 years for a $30 check forgery, termed him a suicide by bichloride of mercury, he actually died in a concrete wash vat in which he had been thrown after alleged beatings with trolley wire and that mercury was pumped into his stomach after death to simulate suicide or accident. The doctor who conducted an exhumation and examination of the body held that Knox most probably died of heart failure superinduced by fear, though drowning and strangling were "remote possibilities."

Flat Top has about 525 convicts on the average and last year they produced 691,528 tons of coal. At present the average at Flat Top is about 2,700 tons a day. Aldrich produced 147,407 tons last year and Banner 232,826 tons, while at Belle Ellen, no longer operated with convicts, the figures were 137,164, giving a total of 1,171,781 tons for the year.

On this tonnage the state gained the net profit, after all expenses of upkeep and administration for the nine prisons had been paid, of nearly $600,000 and the average profit per man per year to the state in the three mines was $496. In the five non-mining prisons—Kilby, Wetumpka, River Falls, Speignor and No. 4, the profit per year per man was only $185. In other words, the state gets more than two and a half times as much profit from convicts in the mines than from those not mining.

The price the state gets for mining coal is fixed on a free labor average of costs at about a dozen free mines ranging up to $1.30 a ton as a base price. The prices were fixed on a 1916 wage basis, but have a sliding scale to go up or down as the free labor wage varies.

Cost of Upkeep Small.

The cost of upkeep for the prisoners is smaller in the nine prisons than elsewhere. At Flat Top it runs around $20 per month per man for food, clothing, guarding, housing, etc. An average month at Aldrich gave $23.94 as the cost per man, at Banner it was $23.64. At Wetumpka an average month showed a cost of $50 per man per month. The tuberculosis hospital for all convicts is there. The average for all state prisons is about $30 per month per man.

At Wegra, where county convicts work in a mine under out and out leasing of their physical prowess to the Alabama By-products Corporation, the cost is about $19 per month per man—$10 for guarding, housing, feeding, clothing, giving medical care, etc., and $9 for food. These figures vary greatly in the summer months when garden products are raised at all prisons.

Thus the state enjoys a business providing a tremendous revenue at a minimum cost.

Of the close to $1,000,000 which it is making from physical exploitation of its prisoners, the state returns about $75,000 to the men in bonuses for work done in addition to the tasks allotted the men. Thus, the state, which gets an average profit of $308 a year from each of its convicts—mining or non-mining—gives him an average profit of $25 a year from his own work, or a little more than $2 a month.

Actually, however, the men in the mines are the only ones making anything substantial in the way of extra money. Some of them get as much as $50 a month—a few even more. The average pay per year per man in the mines is a little more than $60 or about $5 a month, on the basis of present population of the prisons. In other periods it has run less and occasionally more.

This extra work, under the rules, is not compulsory, but testimony has been produced in various inquiries that the convict straw bosses—check runners—in the mines, who supervise the work of gangs and share equally with the actual shovelers in any profit, drive their men to extra work and practice cruelty on men not turning out sufficient extra coal.

Besides the mines, the state has one other prison where its men work the property of private corporations—the River Falls Prison, which operates a sawmill for the Horseshoe Lumber Company. The contract for this work reads that the state shall receive $50 per month per man on a base lumber price of $25 per thousand feet, with the return per man increasing or decreasing $2 per man per month for every $1 change in the price of lumber. Thus, the state here is contracting the actual services of its men while at the mines it contracts the coal. The state has complete control of the convicts in all prisons.

Under the straight lease system originally used by the state and still used by most of the counties, a prisoner injured at work or mistreated could sue the company, to which he had been leased. Frequently judgment was obtained in court for floggings given.

Under the present system in the state convict mines, a man injured cannot sue the state which is sovereign, and he cannot sue the company because the state has control of the work.

To offset this a compensation system has been started based on the state compensation laws and two cents from every ton of coal mined by the state goes into this fund. The regulations provide, however, that a prisoner receiving compensation shall not receive more than one-half his average weekly earning through extra work, while a prisoner with a minimum of $1 a week in cases of temporary total disability. Where the disability is permanent, the rates increase but the greatest maximum in any class of injury is $10 per week. The maximum that may be given in any case is $3,000 over a period of 400 weeks, and this is for permanent total disability.

The state maintains that this amply protects the convict who may be injured—and dozens of them are hurt in the mines, a score being killed last year through cases found only in mining conditions—but on the other side are instances of court judgments, when suit could be brought, as great as $2,000 being given just for cruel beatings administered which caused no permanent disability.

Alabama, in the midst of a convict system which has been under fire for 10 years as inhumane, has a prison that may well serve as a model and is pointed to as showing what the state can do toward humane handling of convicts and still make money. It is at Kilby and cost more than $1,000,000.

With the property, the investment represents well over two millions of dollars.

This prison, built under former Governor Kilby, has a model dairy, a great herd of thoroughbred cows and bulls. There are textile mills, farm land, gravel production, a sawmill, and various other forms of productive occupation for prisoners. The grounds and buildings are imposing from an architectural standpoint and the prison frequently is referred to as "Kilby Palace." The prison, despite all the comforts and attempts at humanitarian treatment, which are pictured as expensive, returns a substantial profit to the state every year.

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Alabama.

Prison Probe Reveals Shocking Conditions When Death of White Convict is Investigated. Three Negroes, Acting Under Orders of Warden, Indicted With Him.

(P. N. S.)

Birmingham, Ala., May 15—The first results of the Jefferson county grand jury inquiry into the death of James W. Knox, (white) and the Alabama prison conditions, were made known Tuesday when an indictment was returned against W. A. Bates, former Flat Top [illegible] with murder in the first degree, in connection with the death of Frank Harper, Negro convict.

Dallas Express 5-15-26

Bates is charged with [illegible] and stamping Harper, who was ill. The man died a few minutes after the attack, witnesses say.

Dallas, Texas

Others [illegible] Cecil Houston, white, Elbert Lewis, Joseph Payne and Homer Anderson, Negroes. Houston was [illegible] runner, about whom much testimony centered. Lewis and Payne are alleged to have been connected with purported events emmediately before the death of Knox. Anderson is charged with filling the body of Knox with metallic poison, "under order of superiors," after the man had died in a laundry vat while undergoing a "ducking."

Commenting on the Grand Jury Action, the New York World says.

"Although hearings and reports gave evidence that sentiment in Alabama was aroused over that State's prison system, the most encouraging sign so far is the indictment, on a charge of murder, of the Warden and four prisoners of the mine where James Knox lost his life. Successful prosecution, of course, is another matter. The indicting Grand Jury, however, which probably reflects public opinion fairly well, is said to have drawn up a report to the Governor which indicates that the present proceedings have not been undertaken simply to comply with appearances. Apparently the people mean business. If they do, to the extent of punishing those guilty of the proven atrocities, they will have taken a step which must lead to the abolishment of a system which affronts the decency of Alabama.

GUILT FASTENED ON WHITE WIFE

MONTGOMERY, Ala.—Now, after six years of prison life, freedom has just come to John Murchison and Cleo Staten, who on October 21, 1920, were found guilty of first degree murder in connection with the death of John Franklin McClendon, white, and sentenced to [illegible]. Two others sentenced with Murchison and Staten died while in prison for a crime of which they were innocent.

Defender 7-22-26

It is now learned that the crime for which these men went to jail was planned and committed by the wife of the dead man, Mrs. Myrtle McClendon King, white, and Otis McClendon, white, to whom she promised forty acres of land, a house and a mule for his part in the slaying. Her husband was shot as he entered the house, then wrapped in a quilt and left where suspicion would point to our Race. Mrs. King married again since her former husband's death, is in jail now and was given a preliminary hearing Wednesday. Murchison and Staten have been paroled by Governor Brandon.

Los Angeles, California

GADSDEN, ALA., July 7.—Special to The Advertiser.—Mrs. Myrtle McClendon, 55, is in the Marshall county jail, at Guntersville, on the charge of murdering her husband, John Henry McClendon, six years ago, a crime for which four negroes, Cleo Staten, John Murchison, Jim Hudson and Will Crutcher, were convicted and given life sentences in Alabama penitentiaries, some time ago.

Staten and Murchison are still in prison, but Hudson and Crutcher died several years ago.

The story of the killing of McClendon and the incidents that followed the affair formed one of the most dramatic chapters in the annals of crime in Alabama. McClendon disappeared suddenly from his home six years ago, and a week later his headless body was found in a sinkhole where it had been thrown apparently in the belief that it would never be found. The search disclosed the head in another portion of the hole.

Advertiser 7-8-26 Montgomery, Ala

Negroes Suspected

The four negroes, Staten, Murchison, Hudson, and Crutcher, were soon under suspicion, circumstantial evidence, which some thought at the time was a "plant," pointing strongly to them as the murderers. They were indicted, tried, convicted and given life sentences. The murder was so brutal that they would have been given the death penalty had there been any positive evidence against them.

Some persons contended at the time that the negroes were guiltless and the talk in their favor never wholly died down. Three months ago Otis McClendon, a nephew of the murdered man, was shot and killed by Cleve King, a cousin, after he had fired upon King as the latter lay in bed at his home at Warrenton. King was shot in the leg.

McClendon Found Dead

He jumped out of bed, ran into another room, seized a shotgun and fired through the back door.

The next day at noon Otis McClendon was found dead, sitting bolt upright under a big tree about 100 yards from the house, his gun across his lap. He had been dead more than 12 hours.

As soon as it was learned he was dead, some of his friends let it be known that he had confessed to them he was the slayer of John Henry McClendon, his uncle. These friends told some facts about the killing which officers thought could not have been known except through first-hand information of the murder plot. The officers took the lead from Otis McClendon's alleged confession and Tuesday afternoon they placed Mrs. Myrtle McClendon, wife of Otis McClendon, under arrest.

It is said that Mrs. McClendon's own daughter gave the officers the evidence that caused them to act. Just what this evidence was is not known.

Sheriff Paris and his chief deputy were out of town Wednesday afternoon, working on several angles of the case, and it is thought that other arrests may be made. For several weeks now many citizens of Marshall county have been urging the release of the negroes, Murchison and Staten, from the penitentiary, believing that they had been done a gross injustice.

In a statement filed with the pardon board the prosecuting solicitor said there had always been a doubt in his mind as to the guilt of the defendants; that all of the evidence in the case was purely circumstantial with the exception of the testimony of one negro witness whom it developed bore a grudge against one of the accused. The trial judge in his statement filed with the board of pardons said he had become convinced that the conviction of the defendants was a mistake.

MARSHALL NEGROES IN M'CLENDON CASE ARE GIVEN FREEDOM

John Murchison and Cleo Staten Pardoned When Murder Clues Fasten Charge on Others

Though the innocent must sometimes suffer for crimes they did not commit, proof of the innocence of the innocent [illegible] that the immutable spirit of justice does not slumber, and as surely as day follows night, will triumph at last. This mysterious law that has asserted itself countless times down through the ages, brought freedom to John Murchison and Cleo Staten, Marshall county negroes, through executive clemency, fully 24 hours before the affidavit that was to free them of all suspicion of guilt in the murder of John Henry McClendon, a white man, which occurred [illegible] six years ago, was filed in the Marshall circuit court.

Advertiser 7-10-26 Montgomery, Ala.

Wednesday, Governor W. W. Brandon, on recommendation of the state board of pardons, the trial judge and prosecuting solicitor, granted paroles to John Murchison and Cleo Staten. On the morning of the the day following, there appeared in the state press, the news of the filing of the affidavit, clearing the negroes who with two others were convicted of the murder of McClendon and sentenced to imprisonment for life.

Justice came too late, however, for the other two prisoners to benefit by it in this world. Both of these others died in prison. All had been convicted October 1, 1920, of murder in the first degree and given life terms.

Advertiser 7-10-26

In his orders paroling John Murchison and Cleo Staten, Governor Brandon cited that members of the pardon board, the trial judge and the solicitor had grave doubts of the guilt of the accused, and these having recommended clemency, that the prisoners were to be paroled upon their future good conduct.

WOMAN HELD FOR MURDER IN WHICH NEGROES GOT LIFE

Mrs. McClendon, of Guntersville, in Marshall County Jail, Alleged to Have Slain Husband Six Years Ago

EVIDENCE OF DAUGHTER CAUSE OF ARREST, REPORT

Four Negroes Apprehended For Crime and Sentenced to Life; Two Die

GADSDEN, ALA., July 7.—(AP)—Mrs. Myrtle McClendon has been locked up in the Marshall county jail at Guntersville, on a warrant charging her with killing her husband six years ago. Four negroes, Cleo Staten, John Murchison, Jim Hutson and Will Crutcher, were convicted and sentenced to life imprisonment for the crime. It is reported by authorities that Mrs. McClendon's daughter furnished the evidence which caused her arrest.

Advertiser 7-8-26 Montgomery, Ala.

The first inkling that the wrong men might have been convicted came when Otis McLendon was shot and killed by Cleve King after he had atempted to slay King in bed. Friends of Otis came forward with the story that he confessed to aiding in killing his uncle, John Henry McClendon, whose headless body was found in a swamp. This is said to have caused the questioning of Miss McClendon and the development of evidence against her mother. Two of the negroes sentenced for the murder died last year.

The Fallacy of Working State Convicts On the Roads

Editor The Advertiser:

In your editorial of August 5, headed "To make the convict your next door neighbor," is very timely and should be considered by every thinking man and woman in Alabama.

You discussed the moral side of the question at some length but only mentioned the financial side of the question.

For the State to put the thirty some odd hundred Sate and county convicts on the public roads it would first have to be prepared for this.

Allowing eight men to each cage would require more than four hundred of these cages to house them. I have no idea what the cost of these cages would be, but I am sure that it would go to somewhere between two and three hundred thousand dollars, maybe more.

It would be necessary to have one guard for about four men or else go back to barbaric times and shackle each prisoner with some kind of contrivance to prevent his running away, which would materially reduce his working power. So, for say thirty-two hundred convicts, it would require eight hundred guards at a cost of about three to four dollars per day or almost one dollar for each convict.

The above expense with feed bill, clothing, medical attention, transportation, would put the upkeep of each convict to near two dollars per day or almost the price that free labor can be secured in this part of the State.

Now, in all fairness to each one concerned, I would like to ask where the profit would come in working the convicts on the public roads under conditions of this kind?

Another thought arises and that is in working convicts on the public roads, the State would be in competition with free labor, a question that has bothered the State in almost everything that they have gone up against.

It must be remembered that road building is like most other kinds of work, that the tendency is to do most of the work by machinery and not so much by man power alone, for instance, a good heavy tractor and a road machine will do more work than one hundred men—yes, the old pick and shovel days are over.

I cannot conceive of anything much more insanitary than a convict camp, where men are hurdled together like wild animals at night and Sundays, hot or cold. And on account of frequent moves, sanitary conveniences are almost out of the question.

If left to the choice of the convicts themselves, I dare say that a great majority would prefer work where they were isolated and away from the gaze of the public, where many a man that has some personal pride left, would it be fair to the higher class convicts to subject them to such humiliation?

Why should not the State put the convicts where they can be better housed, better fed with better care for in general, where they can possibly yield a fair return to the State than to put them on the public road where the economic returns would be little, if anything, over the upkeep?

I. L. JOHNSTON, M. D.

Samson, Ala., August 6, 1926.

NEGRO MURDERER TO BE EXECUTED

Campbell Starks, Slayer of Policeman, Scheduled to Pay Penalty Friday Morning

MOBILE, ALA., June 24.—Campbell Stark, negro who killed Police Officer Dean, goes to execution at 5 o'clock Friday morning, unless a last minute stay of sentence comes.

Sheriff Leon Schwarz, this week sent official notification to persons required or permitted under the law to be presented at a legal execution. These include Stark's attorneys, appointed to defend him by the court, Jere Austill and C. M. A. Rogers, several physicians, the man's sister, newspapers and county officers to authenticate the execution.

A requisition has also been made on the county board for a complete suit of black clothes and accessories which the county provides for a condemned man.

Sheriff Schwarz stated that the code is very strict on sheriffs in limiting the number of persons allowed to attend a public execution and that personally he will not have anything spectacular or sensational about the hanging. Sheriff Schwarz says he plans to have it all over early Friday before people get down.

Stark was declared sane by physicians at his trial although he had to be lifted into and out of court. During his trial his head rolled in an imbecile manner and he made curious noises continually.

"If the state hangs Stark, " said one Mobile physician "it will undoubtedly hang a man who is in an advanced stage of mental deterioration. It will only be a question of time until the man dies a natural death, and due to the very natural prejudice of people against a vicious negro who slays a law officer, it would be very difficult to get a commutation of Stark's sentence at this time. But the fact remains that I am convinced the man is insane. When he is hanged he will have to be carried to the rope and they will be hanging a delirious man."

Sheriff Schwarz, has requested two negro ministers to remain in the cell with Stark until he is hanged. Stark for weeks has refused to stand on his feet and ran a minister who tried to convert him out of the cell.

Members of his race will be with him the last night if custom is followed. At the last hanging in Mobile county that of a negro several years ago, negro church people stayed up all night with the condemned man, who got religion and they sang spirituals until the execution.

Unless Stark changes his attitude it will be necessary to strap him into a chair, carry him to the execution room in the third floor and hang him in this way.

A new wrinkle in the execution Friday is the use of soap stone on the rope, to kep it from slipping. Officers at the county jail say this idea was imported from Jefferson county where frequency of hanging makes the work more expert.

Some Food For Thought About Convicts

The idea of working the state convicts on the roads has quite a number of advocates. It sounds fine, and constructive, and non-competitive. Some counties, notably Jefferson, have been able to utilize convicts in road work, but with permanent or semi-permanent camps at such points that the work is not greatly distant, the situation is not the same as would confront the state. One of the newspaper editors addressed a letter to an official in Montgomery in position to know, wanting first-hand data, and he asked some direct questions. These, with the answers, are interesting:

Q.—What percentage of the convicts of Alabama are now worked in coal mines in Alabama?

A.—Approximately 1,300 state convicts out of an average population of 3,000. Approximately 300 county convicts out of an approximate average of 750.

Q.—What percentage are worked on farms?

A.—Approximately 500 state and county convicts out of a gross population of 3,750.

Q.—What percentage are incapable of performing any sort of work?

A.—Approximately 15 per cent.

Q.—What will it cost to maintain, say 1,500 to 2,000 on the roads, including guards and equipment?

A.—They cannot be maintained properly, including guards, medical attention, etc., for less than $1 per capita per day. This does not include equipment, as the question of equipment for roads is entirely problematical and would vary according to the character of construction to be done.

Q.—What revenue is derived from the labor of convicts at the present time?

A.—Fiscal year beginning Oct. 1, 1924, through Sept. 30, 1925, the State Convict Department, with an average population of 3,050 state convicts, certified into the treasury a net revenue of $926,000.

Q.—What has been the experience of those states which are working convicts on the roads; is it not more expensive than any other system?

A.—We have no official data, but the information which reaches us is that the system is very expensive and, in addition, insanitary and detrimental to the life and health of the prisoners.

Anyone who has ever seen the "cages" in which these men are confined on road work will appreciate the fact that no more inhumane method could be devised. They are, in all essentials, similar to the cages in which wild beasts are confined in traveling shows.

On a minimum of 1,500 convicts that would be $1,500 a day for maintenance, not counting equipment, or $45,000 a month, or $540,000 a year. Somebody would have to pay that money, and it would be the well-known taxpayer. Not only would there have been lost a revenue around $900,000, but the state would have to produce from somewhere over half a million dollars, to say nothing of perhaps a quarter of a million in road machinery and equipment.

Public sentiment favors the ending of the lease system, and it must be ended and ended promptly, but it is no proposition to be settled offhand without due consideration of the huge loss that an unwise decision might saddle on the taxpayers.—Birmingham News.

Crime - 1926

Alabama.

THE RESPONSIBILITY FOR INHUMAN PRISON PRACTICES

It is the duty of the State to promote the happiness of its citizens. It must do so sometimes by punishing those who infringe on the rights of others through criminal acts. But the citizens are the State, and the agency of government set up by them has delegated power to act for the whole; therefore, those adjudged criminal immediately become the wards of the others and remain so until they can be restored to citizenship, or, if that is impossible to remain in the keeping of the agency of the law under humanitarian conditions.

Birmingham Reporter

The best citizens of Alabama must hang their heads in shame when they read the revolting story of revelations in the convict camps of the State. The case in point at present in the public eye is a type of what is possible and what actually happens under a system condoned, sanctioned and even defended by people of cultural and civilized ideals.

3-21-26

The convict lease system has its opposers and its supporters. They simply represent two different attitudes on the functions of guardianship for unfortunate criminals. The division of opinion inevitably resolves itself into whether the gains in revenue are greatly offset by the alleged iniquities of the system on the one hand, or whether brutal human slavery in a legalized form is a constant and compensative deterrent against crime repaying the loss to society and safeguarding its recurrence.

Birmingham Ala.

The Knox case is not a simple isolated instance of brutality.

It appears to be a type of conditions of which the citizens of the State know very little. The fact that they are just coming to light gives it that significance.

The ends of justice for crimes committed fail in effect when the means are inhuman, and this failure is predicted on the impossibility of offsetting the effects of one crime with another.

The responsibility for the failure does not rest with the individual agent who is the tool of a system, nor with the corporation whose extensive industries make the system possible and make it to appear profitable and practicable for the State. It rests with those who, in the right of effective citizenship, must assume the guardianship of those who forfeit their citizenship rights through conduct which tends to diminish the happiness and welfare of all.

Whatever the means by which James Knox met his death, there seems to be the certainty that under a more humane prison regime, it would have been avoided. Furthermore, it is the remotest conjecture that the State, any individual citizen or any social or industrial interest, has profited from this or any case of its kind.

The effect of it is not salutary on the name of the State nor is the example of it conducive to the high social aims which such institutions are designed to aid. Examples of brutality are the most dangerous infections to the morals of a people. Brutality in itself is a relic of slavery and barbarism, and, when the moral conception of people cannot rise high enough to form a revolting sentiment against the practice of cold blood inhuman brutality, there is not much hope for diminishing crime nor voiding the effects of its influence on the generations that must inherit the moral as well as the physical potentialities of their ancestry.

The South inadvertently taught itself human cruelty through the iniquitous system of Negro slavery. Perhaps its disposition to tolerate much of it now is due to the traditional inequalities that allowed it to be practiced without recourse and with immunity.

It might be that the master did not always know about the cruelty of the slave driver and thus was partially absolved from the responsibility. On the other hand, the slave driver used his own methods in the exigencies to carry out the master's plans and discharged himself from the responsibility of the outcome of his efforts.

So both rested on the assumption that neither was responsible for the cruelty while they all suffered from the effects—the master and the overseer from moral degradation and the miserable slave from both moral and physical degeneracy.

And this is just what the Knox case now shows to point.

This instinct for cruelty has not yet been recast in the refining fires of Southern culture, nor has its effects been entirely superimposed by its high social idealism. It outcrops here on a smaller scale, in a slightly different legalized form and on an unfortunate man of a different breed.

Here is an epitome of the guardianship of the master, the reckless brutality of his agents and the pitiful lot of a human slave 60 years distant from the original regime and all exposed in the searchlight of scientific social investigation. It is not a matter of concern with us that James Knox was a white man. Humanity is humanity, and, like Him, who created it—color is a negligible phasal aspect that disappears before the realities of destiny. But we are concerned with the making of a sentiment that would make a recurrence of incidents like these impossible either with a white man or a Negro, and we feel that we are all too sure to profit by any efforts to obliterate a system that would decrease it in substance without regard to form.

If a man degrades himself by committing a crime the State may not owe him much consideration, but it does owe him safety from inhuman treatment, and it owes his relatives, by virtue of their solicitation for him, their interest in him and their dependence on him, the consideration of not degrading him any more than justice demands nor to impair him any more than civilized prison routine requires.

It also owes itself the chance to restore its citizens if they prove to be one of the nine out of ten whom misfortune rather than indecency has overtaken in the stress of complicated circumstances.

It owes humanity the example of justice, tolerance and mercy. It owes posterity an untainted legacy.

NEW YORK WORLD MAKES EXPOSE OF ALABAMA CONVICT SYSTEM

Considerable interest is being manifested by colored people throughout the country in the expose of the brutal convict system in the state of Alabama. Although this expose was started as a result of the murder of a white convict, James Knox, it is safe to assume that similar treatment has been accorded many of the colored inmates as more than 50 per cent. of the prisoners in the state institutions are colored.

The sixth installment of this exposure, which tells of the experience of convicts leased to the mines follows:

By DONALD EWING
Staff Correspondent of The World
Special Dispatch to The World

Birmingham, Ala.—From down in the bowels of the earth, where Alabama convicts are forced to work either under contracts made by the State or special leases made by the Alabama counties turning their bodies over to private corporations for physical exploitation come stories of almost unbelievable brutality.

New York World

A representative of The World, accompanied by State officials, found no one within the mines willing to complain. In talks with ex-convicts or convicts outside the mines, where they no longer were under control of State officials, he found many complaints. In the stenographic report of testimony taken by Attorney General Harwell Davis in investigating the death of James Knox at the Flat Top mine—supposedly a suicide, but now held to have died through fright—is a quality of evidence of cruelty.

3-21-26 New York World

J. P. Wilerkson, once at Flat Top but now free, gave probably the most illuminating testimony in the Knox inquiry so far as general conditions are concerned. Following are excerpts from his testimony:

"They have a life convict as check runner trusty boss of convicts while at work). He has so many men to look over. His name is Cecil Houston referring to the white convicts alone). He is awful hard on the prisoners.

"He stands in with Davis the Warden and whatever he tells Davis at night Davis acts on—makes it hard for them, for the doctor up there is brutish to the men and ought to be hung by his neck. A man can go in there sick and he ought to be in bed and he will send him to the mines just because he is a convict.

Convicts Afraid To Tell

"I saw Bert Sutton, whose hand had been broken by a rock and the doctor said it was well and that he ought to go into the mine and . . he had to use his wrist because he could not use his hand . . he had corns all on his wrist where he had to use it. . . It is not known publicly because the convicts are afraid to tell it. The boots rub their feet and legs sore and the poisoned water gets in them and they rot and they can hardly walk, but they have to go just the same.

"There was a little man with his back all bent over, and it was hard for him to go, but he went every day with his back all bent over . . the long time men beat him and kicked him around awful. . . They used a hose pipe to whip them with. They whipped them with cable wires and beat them. . . I have seen colored men go around with their heads swell-

cied up and heard the Deputy Warden say, 'Hit him in the head so it'll swell up for him.' There was a man sick and one of the convicts went in there to help him and the Warden told him to go back to his own bed, and he went over and got the man and beat him and took him to the hospital and beat him and he died next morning and they buried him on the hill."

All of this is, of course, absolutely denied by wardens or check runners still at the mine. There are innumerable similar stories from men no longer at the mines that could be related, but Wilkerson's is typical. Always there is the same sharp cleavage in testimony—men still at the mine refuse to complain after they leave they talk frankly.

But from other sources come such statements as these:

From the testimony of O. P. Jones, er Flat Top guard, after testi- that he paid no attention to ses on the body of Knox when viewed it.

. It was a common thing to see n bruised around the head and ? A. Yes, sir.

Not Excited by Dead Man

From the testimony of Homer Anrson, Negro hospital trusty, who pports Warden Davis and others in eir statement that Knox purposely ok mercury poison and seemingly ed from it.

Q. Did I understand you to say ou didn't see any bruises on that an? A. Yes, sir. I have handed many dead ones there that a dead an don't never excite me. I would st go ahead and wash him. You l sends them there and they are oing to get killed there. It is just ick that I didn't get killed there.

Q. Killed, how? A. By fall rock, ock loose on top. You don't need o be surprised when you get a dead nan at Flat Top.

Anderson is one of those relied on o disprove charges of bad conditions at Flat Top.

Something of the examination made nto the death of a man under unusual conditions also is revealed in the Knox testimony. Knox, according to he death certificate, took bichloride f mercury, but the Attorney Genral's inquiry and the medical testiony in it on the exhumation stated he died of fright and poison was pumped into him afterward. No medical aid was called, no antidotes were given and the Coroner was not notified until the next day and he made no investigation. Dr. J. E. Robins, Flat Top resident physician, came to the mine next day. From his testimony:

Q. How much examination did you make on him Knox)? A. Oh, I turned the cover down and looked over him, around about his body. I didn't turn him over or anything like that. I took the cover off and looked at him all up and down.

Q. Did any question arise in your mind as to the shortness of time it was shown he died from that. (This refers to the undisputed testimony that Knox died within thirty or forty minutes after the supposed taking of bichloride of mercury, which the autopsy doctors held to be impossible since mercury is a slow working poison). A. No, I didn't—it didn't occur to me that there was an question about that. I didn't know how much he took. They couldn't exactly tell, but Homer Anderson—that was the colored fellow, you know—he said he didn't know, but he swallowed them as fast as he could get them down.

CHECK RUNNER IS EVIL IN CONVICT LEASING

Harder He Drives Them, the More Money He Makes.

MINE SYSTEM EXPLAINED

"They Slap It to You; Work Like Hell or You Get Cracked on the Head," Declares One Former Mine Convict.

BY ORVILLE DWYER.

BIRMINGHAM, Ala., March 23—In the first article of this series, the general features of the Alabama convict leasing system were discussed. There are three big mining companies which use convict labor, including the Sloss-Sheffield company, backed by northern capital.

In each case, where state convicts are concerned, the state supposedly leases the property from the concern, mines the coal with convicts under its entire control, and sells it back to the company leased from.

Actually, the state only leases the prison stockade and its grounds and buildings. The mine itself is not leased, but only two company men—a mining engineer and his assistant may enter it. The company charges nothing for the property it leases and its only return is in getting a contract with the state to have its coal mined—a sort of goodwill affair. It is this peculiar form of lease that has brought charges that when Governor Brandon substituted the old outright state leases with the present system he was merely putting in a subterfuge. The convicts work in private property.

This condition applies only to state convicts. County convicts work at mining on outright leases of their bodies. The Alabama By-Products leases from counties approximately 300 prisoners and it has complete charge of working them and punishing them, except in flogging, which the regulations provide must be under state supervision. These prisoners work its mine at Wegra, Ala. It also owns the mine at Banner, which the state operates with state convicts under its own supervision and sells the coal back to the company.

Who Owns the Mines?

Sloss-Sheffield owns the mine at Flat Top, where James Knox, a convict, met his death, supposedly by voluntarily taking poison, but actually by heart disease superinduced by fear of cruelty, according to the autopsy in Attorney General Harwell Davis' investigation—an investigation which opened the whole convict system to attack. Here the state also leases mines with about 425 convicts and sells the coal to Sloss-Sheffield at the mine tipple.

Montevallo owns the mine at Aldrich, a different type from the others, and it is mined by the state with state convicts and the coal sold back to the company.

Investigation of these mines by the New York World News Service representative revealed generally good working conditions so far as was possible geologically, but the system of supposed protection for the men themselves obviously became a fallacy on analysis. The state classifies the convicts according to experience and physical fitness, setting each a certain tonnage, and offer pay for extra tonnage, the extra work not being compulsory under the regulations.

The Aldrich mine is a narrow seam mine where tonnage tasks cannot be assigned, the men getting a bonus on a basis of quality of coal instead of quantity. At Banner and Flat Top, the other two state worked mines, the tonnage assigned for each classification is:

First—Ten tons per day.
Second—Eight tons per day.
Third—Six tons per day.
Fourth—Four tons per day.

Every convict goes first to Kilby Prison at Montgomery, where he is examined and assigned to work. If declared physically fit by Dr. L. F. Blair, state prison physician inspector, and is needed at the mines, he is transferred and automatically goes into fourth class for one month. Then, if fit, he goes into third class for another month, then into second for a month, and then into first. Many men never rise beyond fourth or third class and regardless of how high they go they cannot advance more than one class a month, so far as official rating does.

Given Cot in Cell.

At the mine, the prisoner is given a cot in a cell. The cell is simply a large barracks with around 50 cots, side by side, approximately two feet apart. Whites and negroes are segregated. He goes to work around 4:30 to 6:30 a.m., according to the mine, and works, as a rule, 10 to 12 or more hours, but theoretically simply until his allotted task is done. At Flat Top he walks up to five miles in the mine in reaching his working section.

In the mine, he is assigned to a shift—a gang, usually eight to 12 men in charge of a trusty convict known as a check runner. Whites and negroes work in different parts of the mine. The Flat Top, Banner and Wegra mines are big seam mines—the seam of coal is as great as ten feet thick. There is ample room to stand up, the ground generally is dry, fans create a strong artificial ventilating draft, the mine trains of coal are hauled by electricity, the coal is so soft that it is easily blasted down and the convict separates rock and coal and shovels the latter into the cars. State employed bosses—foremen and assistants—have charge of groups of gangs, but in the gang itself the check runner is supreme. Usually he is in for life for murder, or for a long term. He directs the blasting, is supposed to test the ceilings for safety and so on. He does not load coal as a rule. He carries a hickory stick an inch or so in diameter to tap the walls for loose spots in the rock.

Each gang works in what is called a room—a section they mine out and the type of mining at Flat Top, Wegra and Banner is known as room and pillar mining to distinguish it from the system used at Aldrich, which will be explained later.

Times Three Negroes.

Up to this point—the entering of the room—the convict seemingly is well protected by the state prison rules and regulations. He comes first as a fourth-class man with four tons of coal to load. The New York World News Service reporter timed three negroes loading. They filled a two and a quarter ton car in nine minutes and were pretty well fagged out at the end. They knew they were being timed. Three men then took a similar car and loaded it under the same conditions in 12 minutes. All were first class men. They also were fagged.

It would thus seem that a good man could load his assigned four tons in two hours and work slowly. He cannot. He must push the cars around, pick rock out of the coal before loading and do a thousand and one other time and strength-taking things. On these time tests all rock made ready for straight shoveling.

The fourth class man, entering with a task of four tons a day to load finds that—once in the mine all classification is forgotten. He is put with experienced men—usually with two second or first class men to load.

"The convicts remember that they were green once and are easy on the new men," said L. A. Boyd, president of the state board of administration, which has charge of the convict department.

"The old men take advantage of the new men and put all the work on them that they can make it light on themselves," reads the stenographic report of testimony given by J. P. Wilkerson, former Flat Top convict and now free, in Attorney General Harwell Davis' inquiry into the Knox case.

"Hell, buddy," a convict formerly at Flat Top and now in another prison told the New York World News Service representative, "they slap it to you—work like hell or get cracked in the head. Those are just foolish questions you're asking."

Allotted Tonnage.

So, the classification system settles down to an allotted tonnage for each gang and not for each man, in fact. The classification lowers or raises the total tonnage for the entire gang, but does not set a tonnage for the individual, as it works out.

"When the gang has finished its total task could you quit and go out to the top in accordance with the rule that extra work is not compulsory?" the same convict quoted above was asked. He looked at the questioner in obvious disgust.

"If you wanted to get cracked in the head with a shovel some time you weren't looking, you could," he answered, "but if you had an ounce of brains you stayed there shoveling until the check runner decided you had loaded enough extra for the day."

Obviously, the man's name cannot be used for he fears reprisal, but his complete record is in possession of the New York World News Service.

The men "on coal"—mining — get 50 cents a ton for all coal above their assigned task. The check runner shares equally with the men doing the actual mining.

"Their safety is in his hands," explained Warden Charles R. Davis at Flat Top. "He sees that the mining conditions are safe."

Split Ten Ways.

Thus if there are nine men in a gang under a check runner, the pay they get for extra work is split ten ways—to include the check runner.

This gives the check runner a financial incentive for having his men work full speed at all times and for making them do extra work.

Men not in the mines get bonuses through working extra numbers of hours and such.

Cecil Houston, white, life termer for murder, is the check runner most discussed in the convict system. He has charge of all white men—fifty to sixty—mining at Flat Top. He it is who is charged with beating Knox with a steel cable, who admits cracking Herbert Shouse in the head with a stick and then breaking both his arms at almost the same spot as if a coal car had been deliberately run over them, with forcing his gangs to extra work that he might profit and threatening the utmost in cruelty if they complained to the warden or anyone else. While on a temporary parole he got married to a Birmingham girl. He supports her, paid a $360 hospital bill for a sister, and keeps money constantly in the bank from what he makes through extra work done by his men. He frankly admits that he's known as a tough task-master and says one has to be in the mines. He is thirty-three, as cold-looking as an icicle, and moderately well educated. Temporary paroles at frequent intervals enable him to visit his wife—or she comes to see him on Sundays.

Crime-1926 Alabama.

ALABAMA INDICTS WARDEN AND NEGROES WHO ACTED UNDER ORDERS FROM SUPERIORS

(Preston News Service)

Birmingham, Ala., May 14.—The first results of the Jefferson county grand jury inquiry into the death of James W. Knox, (white) and the Alabama prison conditions were made known Tuesday when an indictment was returned against W. A. Rates, former Flat Top Warden, who is charged with murder in the first degree, in connection with the death of Frank Harper, Negro convict.

Bates is charged with beating and stamping Harper, who was ill. The man died a few minutes after the attack, witnesses say.

Other indictments were Cecil Huston, white, Elbert Lewis, Joseph Payne and Homer Anderson, Negroes. Houston was a check runner, about wham much testimony centered, Lewis and Payne are alleged to have been connected with purported events immediately before the death of Knox. Anderson is charged with filling the body of Knox with metallic poison, "under order of superiors." after the man had died in a laundry vat undergoing a "ducking."

Commenting on the grand jury, the New York World says:

"Although hearings and reports gave evidence that sentiment in Alabama was aroused over that State's prison system, the most encouraging sign so far is the indictment, on a charge of murder, of the Warden and four prisoners of the mine where James Knox lost his life. Successful prosecution, of course, is another matter. The indicting Grand Jury, which probably reflects public opinion fairly well, is said to have drawn up a report to the Governor which indicates that the present proceedings have not ben undertakn simply with appearances. Apparently the people mean business. If they do, to the extent of publishing those guilty of the proven atrocites, they will have taken a step which might lead to the abolishment of a system which affronts the decency of Alabama.

CONVICT CAMP MUTINY EXPELS STRAW BOSSES

Flat Top in Turmoil as Grand Jury Nears Action.

OTHER DEATHS CHARGED

Sensational Developments at Prison Camp and Efforts to Hamper the Investigation Arouses Renewed Interest in Situation.

BIRMINGHAM, Ala., April 29.—Startling developments in the inquiry into the death of James W. Knox, convict at Flat Top prison camp in 1924, today brought the prediction that several arrests would be made when the investigation is completed by the Jefferson County grand jury next week.

A revolt of prisoners at Flat Top this week, threatened to arouse other convict camps in the state, it was stated tonight by authorities who have been directing the probe. Whittie Freeman and Tom Tucker, straw bosses, were driven from Flat Top by 50 angry prisoners two days ago when it was learned that both were seeking to conceal true conditions at the camp.

According to testimony before the grand jury today, the convicts used dynamite in their attack on the straw bosses, and the two overseers were given notice that no more of their inhuman treatment of prisoners would be tolerated. The convict bosses were transferred to Kilby prison today to avoid further trouble.

The grand jury made a special trip to the prison camp today to probe the revolt, as well as the charge that other deaths at the camp were due to cruel teratment of prisoners. The camp was in an uproar when members of the inquisitorial body arrived, but order was quickly restored when it was announced that the two straw bosses—Freeman and Tucker—would be transferred. Testimony that there had been at least two other deaths due to atrocities of prison authorities was introduced at today's hearing, which was adjourned at noon to allow the grand juryto visit Flat Top.

Cecil Houston, a trusty at Flat Top, and one of the so-called strong arm men usedto handle prisoners, who figured prominently in Attorney General Harwell G. Davis' investigation of Knox death as the man who frequently beat Knox and other convicts, was lodged in jail today, after having enjoyed several days' freedom in Birmingham. Houston came here to testify befor the grand jury, and when it became known that he was at liberty Attorney General Davis protested. The man was jailed and the grand jury will call convict officials Friday in an effort to ascertain by wohse authority Houston was turned loose.

Alleged Favoritism.

The Houston incident is only one of a number of instances of aleged favoritism the jurors are prying into. Houston's wife called at the courthouse this afternoon to see why her husband had been placed in jail. She was permitted to visit Houston in his cell.

With 35 witnesses already examined, and with the convicts freely describing conditions for the first time, due to official assurance that there will be no reprisals, the grand jury has already uncovered new facts so startling that a wholesale shakeup of the entire convict system in all probability will be demanded, it was learned.

Despite a concerted effort to hamper the investigation, the bulk of the testimony adduced from convict witnesses has been substantially corroborated form "free" witnesses, it was further learned.

A score of convicts who charged they were daily subjected to cruel treatment at the hands of check runners and other privileged convicts bared their bodies to the grand jury, revealing welts and cuts.

A witness whose appeaanrce before the grand jury reightened interest in the investigation today was Dr. Walter C. Jones, bacterologist at Birmingham Southern College. He recently made tissue tests upon Knox's body for Attorney General Davis and reported that in his opinion, the convict did not die from the effects of bichloride of mercury as claimed in the official report of death filed with the convict department. The doctor's report bolstered up the charge that Knox died as the result of inhuman treatment, after which poison was pumped into his stomach to give his death the appearance of suicide.

Members of the grand jury did not return to the courthouse after visiting Flat Top Thursday afternoon, but went directly to their homes. They will continue their inquiry at 9 o'clock Friday with still more sensational developments in early prospect.

JEFFERSON GRAND JURY WILL RESUME ACTIVITY MONDAY

First Week of Probe Into Conditions at Flat Top Mine Broadened to Include Other State Convict Camps

PRISONERS QUESTIONED AS TO GENERAL TREATMENT

Heavy Hickory Cudgel on Exhibition Said To Have Been Used by Straw Bosses

BIRMINGHAM, ALA., May 1.—(AP)—The Jefferson county grand jury which started out this week to investigate the death of James W. Knox, a Flat Top convict, recessed today after a week's effort that had broadened the inquiry into a general survey of conditions in all state camps in the county.

Authorities said the Knox case was ... deaths under scrutiny. ... were said to have ... Top and were ... years.

... probe, ... months ago by Attorney General Harwell G. Davis, who is personally conducting the inquiry here and has taken account of charges that men had been killed, beaten and forced to work under conditions that were inhuman. Authorities said that convicts at Flat Top and other prison mines in this county who hitherto had refused to talk concerning conditions at the camps had "opened up" during this hearing, the testimony of the 70 men appearing this week being described as "full and informative."

The corridors about the grand jury room have been crowded with life termers and other convicts who are said to have seen but few other days except Sunday above ground in many years. Some of these witnesses were on crutches, some were semi-invalids and others hobbled on maimed limbs and bearing warped bodies. While every man had been assured by the highest authority of the state that reprisals would not be tolerated in any case, many of the convicts were said to have entered the grand jury room under great stress in most cases witnesses were said to have borne a different expression upon leaving the room. County officials said that many of these witnesses had bared their broken bodies to the jury. An immense hickory cudgel, one of the few privileged exhibits, was taken to the grand jury room today by Assistant Solicitor Willard C. Drake. It was placed in evidence while Tom Tucker, a check runner, was before the jury. The instrument was more bulky than a baseball bat and two feet longer. Tucker and other check runners—convicts themselves in charge of groups of men under ground—had been the center this week of outbreaks at Flat Top. Tucker was brought to Jefferson county jail Tuesday when threats against him became ominous at the camp. When Tucker left the room he appeared highly nervous.

In a preliminary report on the Knox case filed with Gov. Brandon by the attorney general with evidence of numerous witnesses was recorded that the check runners in the coal pits beat their crews with sticks, pickhandles and wire cables in the effort to force maximum production. This evidence contained the charge that the check runners shared in the bonus of the men who made extra money after their tasks had been finished by digging more coal in the day's work.

Tom Wilson a "lifer" who was convicted of murder in Athens in 1923 and whose sentence of death was commuted by Gov. Brandon, was before the jury today. Charges had previously reached the attorney general that Wilson had been flogged severely on several occasions during the 26 months he has been at Flat Top. Six other men, all from Flat Top, were heard at the short session.

The grand jury will renew its inquiry Monday and authorities were satisfied the work would require another full week and probably more time. Officials said the numerous "free" witnesses had appeared with voluntary statements. Most of these witnesses were former convicts.

Other state camps in this county are expected to be brought under the inquiry, officials said.

Authorities declared that the present inquiry had revealed numerous cases of infected feet at Flat Top caused by men wearing rubber boots while working in water. The grand jury on a visit to that camp this week was said to have given much study to that phase of the mining conditions.

GRAND JURY INDICTS CHARLES R. DAVIS IN KNOX DEATH INQUIRY

General Warden at Flat Top Mines is Charged With First Degree Murder; Four Convicts Accused

W. A. BATES ANNOUNCES NO REQUISITION NECESSARY

Inquisitors Take Recess to May 18 Without Making Formal Report of Activities

BIRMINGHAM, ALA., May 5.—(AP).—Indictment of Charles R. Davis, general convict warden and four convicts on charges of first degree murder in connection with the case of James W. Knox, Flat Top convict, today marked the first phase of an extensive inquiry by the grand jury

of Jefferson county.

The men indicted jointly with Warden Davis are Cecil Houston, a white straw boss and Elbert Lewis, Joe Payne and Homer Anderson, negroes.

W. A. Bates, former deputy warden at Flat Top, was yesterday indicted on a charge of first degree murder in connection with the death of Frank Harper, a negro convict. The Harper case grew out of the Knox investigation.

Besides the Knox and Harper cases, it was said by officials that the grand jury had inquired into other deaths, complaints of floggings and working conditions at Flat Top. The jury recessed until May 18 without completing its findings or making formal report. A special report to Governor Brandon was expected to be written, it was stated.

Warden Davis expected to surrender to the sheriff within the next few hours. Solicitor Davis recommended that his bond be fixed at $25,000.

Bates left the employ of the state several months ago and moved to Brownsville, Tenn. Attempts to apprehend him there brought word that he was out of town. Two Birmingham newspapers today received telegrams signed "W. A. Bates," and dated Memphis, stating "I will be in Birmingham tomorrow afternoon. No requisition is necessary." Authorities assumed that Bates learned of the indictment and is en route here to surrender.

Houston, Lewis, Payne and Anderson are the prisoners.

Warden Davis, whose headquarters were at Flat Top was relieved of duty at his own request by Governor Brandon before the grand jury began its inquiry.

The death of Knox was charged to Warden Davis and the four convicts in a joint indictment. It was alleged by witnesses in a preliminary inquiry conducted by Attorney General Davis several months ago that Knox was beaten severely every day after he was sent to Flat Top on August 8, 1924, until the date of his death, August 15. On the day of his death, he was said by witnesses to have been flogged before he was placed in a laundry vat to receive a "ducking." He died in the vat, witnesses said. Immediately after death, testimony in the preliminary inquiry reported to show, poison was forced into his body in an alleged attempt to simulate suicide. The prison record showed that poison, self-administered was the cause of death. The body was twice exhumed and expert opinions were made a part of the record. The details of the evidence before the grand jury has not been made public pending formal presentation of [illegible] but officials said that the testimony in the preliminary inquiry was substantially the same as that written into the latest record.

It is charged that Anderson forced poison into the body of Knox "under orders of superiors." Lewis and Payne are specifically charged with placing Knox in the vat. It was alleged by Wiley Pugh, hospital steward, and other witnesses in the initial investigation that Lewis and Payne held Knox under the water for "minutes at a time," and that when he continued to scream under the cold water, hot water was turned into the receptacle.

The warm water, Pugh testified, was "steaming hot" and took the skin when it touched the man. Pugh's testimony bore the statement that Knox begged piteously to be killed, but the ducking continued until the man, exhausted, laid his head over on the concrete and breathed no more. Terror reigned, Pugh said, after Knox died. The body was removed to the hospital, Pugh related, where the alleged poison episode was enacted. Knox is said to have worked in Houston's squad beneath ground.

Harper is alleged by witnesses to have died within two minutes after he had been beaten, while ill, by Bates. Harper's body was exhumed by the grand jury, as was the body of an unnamed convict. Whether action was expected in the latter case, was not stated by officials. Bates left the employ of the state some time ago and now lives at Brownsville.

Dr. George H. Denny, president of the University of Alabama, and Dr. George Petrie, dean of Auburn, who were scheduled to deliver addresses, portraying the history of the state from 1849 to the present date, did not speak as scheduled, on account of traffic noises at that hour.

Hotels were taxed to capacity and the lobbies were packed with visitors to the Capital City, who were high in praise of the mammoth parade that held the center of attention, Wednesday, shortly after 12 o'clock.

Both the free shows given in the downtown section of Montgomery in connection with the Alabama Historical Festival and Pageant were attended by large crowds who thronged the streets about both places of entertainment.

Marvellous Melville the king of the flying rings, who presented his act in front of The Advertiser building, performed numbers of death-defying feats The Five Fearless Flyers premier trapese artists, performed in an equally thrilling manner. Both acts had the audiences gasping at the hair raising gymnastics they did and kept them in an agony of delightful suspense the whole time.

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Chief among the prominent visitors in Montgomery Wednesday, were Chas. A. Wickersham, of Atlanta, Ga., president of the Western Railway of Alabama; John Trotwood Moore, of Nashville, head of the department of archives and history and also a noted historian and journalist; L. D. Hale, of the publicity department of the Louisville and Nashville railway; F. O. Walsh, president of motive power of West Point Route; C. S. Chase, of the L. and N. department of industries; E. M. North, assistant passenger agent

FAVORS WORKING CONVICTS IN THE MINES

Editor The Advertiser:

A good deal has been said and written of late on the convict question. Some of it to me would be amusing if it were not serious. I think the convict system is the least understood of any dpartment of our state government. I have given a good deal of thought and study to the question and have made considerable investigation of the prison conditions of Alabama. While in the legislature I was instrumental in [illegible] about considerable improvement in the prison system, through the wardens, as many of the prisoners will testify.

In all my investigations, I find that the prisoners who work in the mines are the best taken care of and the best satisfied of all, except those of the old Wetumpka and the Kilby prisons. Now, I have never been as interested in the financial return to the state from the work of the prisoners as in the humane treatment of the prisoners themselves. They can be more humanely treated in the mines than on the road or in the lumber camps, or even in the jails of the state, and I do not hesitate to say that it is the human agency, after all, that determines the treament of the convict; so, for that reason, I have always been more interested in how they worked than where they are worked. I have said on the floor in the legislature, as well as in numerous public addresses, that the man who abuses a person when he has him imprisoned is worse than the convict. I care not for what the convict was imprisoned, I have always, when talking to the convicts, told them that they ought to work and work hard, but at the same time, they should be treated humanely. And I repeat, they should work where they can produce the greatest returns, but have always insisted that these who are dependent on the convict should receive a large portion of the net earnings of the convict, and I know of no place where these earnings will be greater than in the mines. The mauldin sentiment in regard to the cruel treatment of the convict in the miners is "zeal without knowledge."

The phase of the subject for the good federated club women of Alabama to become interested in is the consideration of and sympathy for the unfortunate families of the convicts; and should I be elected as representative, I hope they will endeavor to help me pass a bill in the next legislature, giving these families at least half of the net earnings of the prisoners.

The last time I investigated the prisons of Alabama, I found the whipping record of the state prisoners in the mines showed less than one per cent while the record of the Jefferson road camp showed fifty-three per cent. The prisoners of the mine camps had good, clean beds to sleep in, and were supplied with good, wholesome food. The road camp had insanitary beds, and at night each prisoner's leg was attached to a chain which ran through the center of the tent or shack, as the case happened to be. But they tell us the prisoners ought not to work in the mines, because they are in competition with free labor. Where can you work the convict profitably without coming in competitio nwith free labor? If you work them in cotton mills, they are in competition with men and women who get far smaller wages than in the mines of Alabama. If worked on the farms, they are in competition with the farmer. There is a movement on foot throughout the cotton belt of the South to reduce the cotton acreage of he South. I saw in the press recently that fifteen hundred convicts at Kilby Prison cleared four hundred thousand dollars, and the fifteen hundred prisoners in the mines five hundred thousand dollars. The writer failed to take into consideration that Kilby prison represented an investment of nearly two million dollars.

This article is already too long, but I repeat, I have always been interested in the humane treatment of the convicts, and the welfare of their families more than I am in the financial interests of the state from convict labor, and, again, for that reason, I insist that the mine is the best place for the convict to work.

Selma, Ala. J. W. GREEN.

MAIMED CONVICTS CALLED TO TESTIFY BEFORE GRAND JURY

Probe of Conditions at Flat Top Mine Brings Youthful Looking Witnesses Into Court Room in Birmingham

BIRMINGHAM, ALA., May 3.—(AP).—While the Jefferson county grand jury today was inquiring into reports of mysterious deaths at state-operated convict camps in this county, word reached the jury that Mose Thomas, a negro, had been killed at Flat Top during the day by contact with a live wire in the underground workings of the pit. Officials said the inquisitors might include this death with others under investigation.

Maimed convicts from Flat Top, some of them mere youths in appearance, continued to tell their stories to the jurors. One of today's witnesses was Bill West, 24 years old, who lost a hand after he was sent to camp. Authorities summoned West when they had been told that the young man lost his hand by an explosion of powder, self inflicted, so that he might be disabled from performing the arduous tasks imposed. Other reports of like character had reached officials in charge of the inquiry.

Sam Dockery, another white convict now imprisoned at Aldrich also went before the jury bearing a crippled hand. Officials said it had been reported to them that Dockery had charged that he received the injury when a straw boss deliberately pushed him under a mine car. The wrist was mangled and several fingers were severed when the car passed over the member.

In addition to West and Dockery, the grand jury heard testimony from Will Wiggins, Tom Daniel and George Jones, negroes, Walter Smith and Will Snider, white, all of Flat Top, and George Davis of Aldrich.

To Call Wiley Pugh.

The grand jury was expected to call Wiley Pugh tomorrow. Pugh is a white convict who instigated the first inquiry into the death of James W Knox. The jury started out to investigate that case and the testimony led into a broadened field which embraced the werks of the convict system from many angles. Fresh complaints and new evidence caused the investigation to take into account at least four death besides that of Knox, together with reports of brutal floggings and alleged inhuman working conditions.

Authorities said that Pugh occupied a clerical post at Flat Top before he was transferred to Kilby prison several months ago. Officials asserted that he probably was the principal witness to be called. In sworn testimony given in the preliminary hearing in the Knox case before Attorney General Harwell G. Davis, Pugh declared Knox died while undergoing a "ducking" as punishment for alleged infringement of jury rules. Pugh said in this testimony that Knox, then the vat was flooded with hot water. Pugh further testified in that record that the cries of Knox resounded through the camp before he died in the vat. After Knox died Pugh's testimony continued the body was removed to the prison hospital where a metallic poison was forced into it by an order- ly to simulate suicide.

To Examine Books

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had been confined in Birmingham jails since a revolt at Flat Top last week.

Authorities said that accusations concerning alleged favoritism to straw bosses was being investigated, particularly in the charges against Houston who was sentenced to Flat Top under a life sentence. It is alleged he spent frequent week-ends in Birmingham. Officials pointed out that the jury would be advised that a life term prisoner had no civil status and no legal right to marry. It was said one other case of this nature was being probed. Subpoenas for a new group of witnesses were issued late today.

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Authorities said that since that testimony was given, it had come to officials notice through further statements of Pugh, that he had knowledge of books and accounts at Flat Top which will be looked into by the grand jury. Officials said that complaints had been made concerning finances and that Pugh would be asked to tell what he knows of the manner in which payrolls and certain other accounts were kept.

Coincident with the opening up of this new angle to the investigation, Attorney General Davis arrived in Birmingham to again take personal charge of the inquiry.

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J. W. GREEN.

Selma, Ala.

Crime—1926

Arkansas

SIX OIL FIELDS BLACKS AWAIT DEATH IN CHAIR

Negroes Convicted on Murder Charges.

LITTLE ROCK, Ark., Feb. 2.—(AP)—Six negroes from the oil fields of South Arkansas are awaiting the electric chair in the Arkansas penitentiary this month for the murders of two prominent Ouachita and Union County business men.

Lee Walker and James Walker, brothers, are sentenced to die Friday for slaying Ira M. Hudson, wealthy El Dorado oil operator and lumber man, whom they confessed shooting after robbing him of a sawmill payroll amounting to several hundred dollars.

One week from the date on which the Walkers will go to the chair, four negroes convicted by Ouachita circuit court for the murder of J. M. Moore, merchant, will pay the death penalty. Like the Walkers, these negroes confessed to the murder during an attempted robbery and they did not take the stand during their trial at Camden.

A seventh negro, Willie Martin, convicted in Pulaski circuit court for the murder of Mrs. Lena Blevins in a lonely suburban spot near Little Rock, is in the death cell at the penitentiary, but he is not to die until March 15.

NEGRO'S REACTION TO "TRUTH SERUM" CAUSES EXPERTS TO DOUBT

(By the Associated Negro Press)

Little Rock, Ark., Feb. 5.—The recent test of the famous truth serum and its possibilities for forcing the truth from criminals or alleged criminals, received a setback here Wednesday when it was given to Emanuel West, who is serving a life sentence for a serious offense against a little girl in Little Rock nearly five years ago.

Dr. House, the discoverer of the truth serum, was directing the test and West, in muttered, but audible words, declared that he did not commit the crime for which he was serving sentence, traced his movements on the night the crime was committed and stated that he was sitting up with a corpse.

The demonstration made a profound impression upon the witnesses and Dr. House said he was convinced that West was innocent and the story which was related by West under the influence of the serum was identical with that which he told at his trial. Whether the jury that found him guilty or the truth serum that proves him innocent is correct is the question that is in the minds of the officials. In other cases the truth serum corroborated the verdict rendered by the juries.

NEGROES DIE IN CHAIR FOR HUDSON MURDER

Both Men Walked to Chair Unaided.

LITTLE ROCK, Ark., Feb. 5.—Lee and Jim Walker, Union County negroes, confessed murderers of Ira M. Hudson, wealthy Union County lumber mill operator, were electrocuted at the penitentiary walls early today.

Both negroes were resigned to their fate and walked to the chair to pay the extreme penalty for murder unaided.

The electrocution was witnessed by a dozen residents of El Dorado among whom were two women and Hugh Cooper, business partner of Mr. Hudson. The women were Mrs. W. R. Cheek and Mrs. [illegible] Elliott, friends of Mr. Hudson. This marked the second time in the history of the Arkansas penitentiary that a woman watched an electrocution. The first time a woman was present at an electrocution was that of J. C. Cherry of Bells, Tenn., who was executed for the murder of Harold Fretwell, Levy garage proprietor.

4 NEGROES DIE IN MOORE MURDER

Little Rock, Ark., February 12.—(AP)—Cephas Johnson, Isham Jones, John Canaday and Clinton Mason, negroes, were executed at the state prison here today for the murder last summer of J. M. Moore, aged Ouachita county merchant.

Seven members of the family of the man they were convicted of having slain, including two of his daughters, witnessed the execution.

Moore was shot and mortally wounded as he was about to enter his automobile with his daughters, Miss Trixie and Miss Grace Moore. Miss Trixie Moore was struck in the hand by one of the bullets.

After the shooting the negroes fled without obtaining any loot. Canaday and Johnson were arrested several days later and made statements implicating the other negroes.

The shooting occurred July 13. They were placed on trial September 13, convicted the following day and sentenced to be executed November 13. The carrying out of the sentence was delayed, however, by an appeal to the supreme court.

The negroes held their composure to the end. Yesterday they repudiated previous confessions and smiled broadly when they were photographed.

Canaday, the last of the four to be put to death, was taken to the death chamber 35 minutes after Jones, the first to be executed, was taken from his cell.

ARKANSAS CONVICTS MUST STAY IN 'WALLS'

Supreme Court Rules Road District Law Repealed.

LITTLE ROCK, Ark., April 5.—(AP)—The law permitting counties to form convict road districts and work felony convicts in the county passed in 1909 was held by the supreme court today to have been repealed by implication in another law passed in 1913.

The decision was handed down in the suit of County Judge F. O. White of White County, to recover several convicts ordered back to the state prison by the state board of charities and corrections at the request of Gov. Tom J. Terral.

Justices Hart and Smith dissented from the majority opinion.

White County, for several years, had been a county road district and a number of men sentenced to serve five years or less in prison had been requisitioned and put to work on the roads. Some months ago Gov. Terral was told that the convicts were being allowed unusual freedom. He requested that they be ordered back to the prison. The board of charities and corrections issued this order and Judge White started the action.

After reviewing the two laws and expressing the opinion that the 1913 law repealed that of 1909 the court said that it therefore concluded that "organization of the county into a convict road district was not valid and the county had no right to hold felony convicts."

Although affirming the conviction of Gomer Jones, vice president of district 21, United Mine Workers of America, on a charge of contempt of court for violation of an injunction preventing interference with Arkansas mines, the Arkansas supreme court today held that the Sebastian chancery court had been unduly severe in the case in fining him $500 and sentencing him to three months in jail. The supreme court ordered the penalty cut to a fine of $50.

Union miners in western Arkansas have been on strike several months. The Greenwood Coal Company, Mammoth Vein Coal Company and the Backbone Coal Company, the principal owner of which is a Mr. Puterbaugh, secured an injunction against the miners. It was alleged that Jones had violated this injunction through being present at various meetings.

The court, after reviewing the testimony, said that while there was a technical violation of the injunction, the proof showed that Jones did not get violent and that when he approached Puterbaugh his attitude was respectful. It also held that when threatening talk was indulged in later in the day Jones had left.

The suit of Thornberry Gray against Harvey G. Combs, secretary of the Democratic state committee, to test the question of whether or not a constitutional amendment voted upon years ago providing for a lieutenant governor, had been passed, was submitted to the supreme court today. Gray sued Combs to force the placing of his name on the ballot at the Democratic primary as a candidate for the office.

Decision in the case is expected within the next three weeks.

Killing of Doe Illegal.

Decision of the Searcy Circuit Court that the law forbidding the killing of doe had been repealed by the state game and fish commission act, today was declared unsound by the Arkansas Supreme Court and the case of Henry Lokey against the state was reversed and remanded for trial.

Lokey killed a female deer in November, 1925. He was arrested and on demurrer the lower court threw out the charge. The state appealed. The 30-day sentence against Otto Campbell of Hot Springs for having a quantity of liquor in his possession was affirmed.

The court handed down an opinion affirming a verdict in the Independence Circuit Court against Theodore Maxfield of Batesville for $282.50 in favor of R. R. Raton & Son. Maxfield, who died at Batesville yesterday, had contended that he did not owe the bill, claiming that he had not authorized Raton & Son to furnish goods listed to a tenant.

W. W. Drake, living 22 miles from Magnolia, arrived in Columbia Circuit Court 15 minutes after a default judgment for $932.50 had been rendered against him in favor of Charles McDonald. The supreme court held today that he had been careless in not having his attorneys present to protect his interests and affirmed the verdict of the lower court.

ARKANSAS WOMEN CONVICTS WHIPPED

Little Rock, Ark., July 23.—(AP)—Investigation of rumors that Winona Green, life term convict of the Arkansas state farm for women and two companions were brutally whipped following a flight from the farm last month, today was in the hands of a committee of three members of the Pulaski county grand jury, but with Mrs. Julia Roberts, superintendent of the institution, on record with a categorical denial of the allegations.

The committee was named to investigate conditions at the farm at the request of People's Forum, a citizens' organization here. The charges first were published in an out-of-the-state newspaper. The committee will report to the jury today.

Mrs. Bernice Babcock, chairman of a committee appointed by the People's Forum, has announced that the committee has been advised that Mrs. Leona Bruce, of Mobridge, a former inmate of the farm, released on habeas corpus proceedings several days ago, had made affidavits that she heard screams from the room in which the women were confined after William Hobbs, a guard, had walked toward it armed with a leather strap. The affidavit quoted Mrs. Green as saying she received 13 licks which "brought the blood."

Mrs. Roberts, advised of the affidavit, reiterated her denial of the allegation.

Mrs. Babcock said that members of the committee had not been allowed to interview Mrs. Green or her companions, the state board of charities and corrections questioning the authenticity of a letter from Governor Terral inviting her to make an inspection of the farm.

Crime-1926

California.

HEAD OF VICE SQUAD TO FACE CHARGES BEFORE TRIAL BOARD

Police Defender
8-5-26
Los Angeles Calif

In the performance of their duty, officers Sheffield, McClanahan and Rondeau arrested Marvin A. Ezell, a white man at 27th and Central Avenue, charging him with breaking glass on the street. The officers noted Ezell driving in a zig-zag manner and posted him to the curb between 27th and Adams street. They shouted that they were officers and displayed their badges at the same time which Ezell recognized, and answered by throwing a bottle of gin to the pavement and breaking it; he continued on, and due to the interference of a truck the officers were not able to crowd him into the curb until they reached 27th street, when after a struggle they were able to pull Ezell from his auto and place him in a police car to be taken to Central Station. C. S. Franks saw the officers struggling with the man and attempted to interfere, he was also locked up and charged with interfering with an officer in the performance of his duty. Ezell was later released on One Hundred Dollar bail, and immediately filed charges against all three officers, claiming that he was roughly handled and mistreated by them when being arrested.

Ezell openly boasted of being a clansman and stated that he would "get these niggers' jobs." The case against the three officers will be heard by the Police trial board, Friday, August 13th.

The case against Ezell was held in Judge Pope's court Wednesday, August 11th.

HONOR ROLL IS INSPIRATION TO OFFICERS

Guardians Of Public Safety Who Sacrificed Lives In Ranks Of Duty. "Get Your Man" Is Slogan. Daring Crooks Often Shoot It Out With Cops

Los Angeles Calif
8-15-26

SAN FRANCISCO, Calif., Aug. 11—(Special Release) The names of many brave policemen who died in the performance of their duty are engraved on large bronze tablets in the marble rotunda of police Headquarters. These men are the immortals of the department and their deeds of valor are fresh in the memory of their comrades. All of them faced death unflinchingly and all of them died gamely on the grim battlefields of the city's streets.

Strangers as well as policemen passing in and out of Headquarters pause to glance at these bronze rolls of honor which are an inspiration alike to young and old members of the force. Reading them the "rookie cop" secretly resolves, if he finds himself with his back to the wall, to go down fighting in the manner of these courageous fighters; and the veteran glancing at them smiles proudly as he realizes what an inspiration the names were to him in time of danger.

Scarcely a week passes that a policeman is not killed outright, wounded or brought face to face with danger in one form or another. A few years ago a crook who would deliberately fire on a policeman with intent to kill was a bold man indeed. Now policemen frequently are fired upon. Some crooks apparently think no more of shooting a policeman than they would of shooting anyone else.

"I remember the time," said a veteran, "when a hard-boiled crook would hesitate a long while before he would dare to discharge a pistol at a cop. If he found himself cornered and he thought it meant his life or the cop's, he might shoot. But it was a rare crook, indeed, who would shoot. Most of them preferred to surrender.

At A Disadvantage

"When it comes to using a gun the cop is often at a disadvantage. For instance, suppose a bandit is fleeing on foot from a hold-up and a cop is in pursuit. The officer draws his 'gat' and commands the bandit to surrender. The street is thronged with pedestrians and if the officer fires at the bandit the shot may go wild and hit an innocent bystander. Accordingly the cop fires in the air believing that that will be sufficient warning to cause the thief to stop. Besides the cop wants to take his prisoner alive if possible.

"The average bandit is not moved by such complications. His one compelling desire is to escape and he bends every energy to attain this end. The safety of innocent people means nothing to the bandit. His sole desire is to get away high and dry. Therefore, if he finds himself hard pressed, he does not hesitate to draw his canister and use it, and if a stray bullet strikes someone it was not intended for he is not greatly worried. The bandit is by nature cruel and selfish, a creature with a big ego, and his life is worth more to him than the lives of a multitude of persons. He wants to keep his liberty at any cost, so if some one stands in his way that person must be ditched.

"You should not get the impression that cops in pursuing bandits only use their weapons for effect. If a cop is pursuing a bandit and the latter disregards tne officer's command to halt, the cop has a perfect right to shoot him. Sometimes, when a cop has a clear field, he fires a couple of warning shots in the air. If the bandit pays no heed to the warning, the officer then attempts to bring him down.

"Since bandits commonly use an automobile in which to make a getaway, the pursuit is usually made in that manner. At a rule a policeman can shoot more effectively and with more confidence from an automobile than on foot. In a foot chase the policeman has to stop in order to shoot with accuracy and every time he stops he loses precious time. In an automobile it is different; he can shoot without changing his position and all the time the car continues its speed. In motor car chases, policemen have given excellent accounts of themselves often puncturing the tires of the bandit car or sprayin it with such a rain of lead that the bandits were glad to quit."

The Exchange Shots

It is a common occurrence for detectives to return from a chase and report that the bandits exchanged shots with them. The same thing occurs when policemen are pursuing bandits afoot. To the police this indicates that the criminal fraternity is becoming increasingly more reckless in the use of firearms. When an escaped prisoner for whom the police had pursued a long search was seen running from a cigar store where he had attempted to impersonate an officer, a policeman gave chase. The pursued ran into a tenement and up the stairs. When the policeman arrived at the foot of the stairs the pursued immediately opened fire upon him, emptying his pistol. The policeman did likewise but the pursued had the advantage since he could hide behind the banisters. The policeman captured his quarry. Only the prisoner's poor markmanship prevented him from wounding the officer.

It has been pointed out by members of the force that a policeman in uniform is more or less at a disadvantage where bandits are concerned. The bright buttons he wears give him away and he is distinguished half a block or a block away, particularly when he passes beneath the powerful rays from electric arc lamps. In an encounter he is a good target for his enemies. Lookout men take a look at his movements and watch him making his rounds and signal their confederates when the coast is clear. For this reason it is sometimes difficult for uniformed patrolmen to anticipate hold-up men.

St Louis Argus
8-13-26
St Louis Mo

"It is necessary," said a policeman "for us to wear a unifrom that everybody can distinguish. There are times when citizens want the aid of a policeman and they would be put to no end of trouble if they could not distinguish a policeman from a distance. However, policemen might dress more soberly. If they wore a darker uniform, dispense with brass buttons, and wore some distinguishing insignia they could serve the public just as well and at the same time they would not be so easily spotted by nocturnal prowlers, footpads, and other criminal pests. And policemen should have a way of carrying a service revolver so that they could draw it quickly."

Crime—1926

D.C.

POLICE HOLD HUSBAND WHO KILLED BRIDE

Drunken Man Shoots Two Others

Washington, D. C., Dec. 10.—A coroner's jury Monday ordered Douglass Griffin, 24, 1133 16th St. N. W., held for the action of the grand jury in connection with the death of his wife, Rosa Lee Griffin.

Douglass Griffin fatally shot his wife Sunday afternoon with a .38 caliber pistol, wounding her in the heart and left lung. She was rushed to the Casualty hospital but was pronounced dead upon arrival. He also shot Mrs. Parthenia Green, 23, and Jim Peyton, 42, who were taken to the Casualty hospital in a passing automobile and treated for gunshot wounds.

The shooting occurred at 1133 16th St. N. W., where the two wounded persons also lived. The dead woman was the sister of Jim Peyton.

Confesses to Police

At the No. 9 precinct police station, Griffin made a statement in which he confessed the shooting. He said that about noon Sunday after he had been drinking at the home of Berry Todd, 1511 Levis St., N. W., his wife came and tried to get him to go home. He asked her for his gun, which she denied having, he said, but he put his arm around her and felt it in her bosom. She refused to give it to him. He told his wife to go home and he would be there later.

When he got home, Griffin told the police, he saw a man by the name of Herman McDown hugging his wife. He went to a trunk to get his pistol. Failing to find it, he said, he took three cartridges from the trunk and asked his wife to give him his pistol and clothes, telling her that he was going to leave her. His wife said that she would give him his pistol but not his clothes until the next morning, said Griffin.

Shoots Three

Griffin was given his pistol. He took the three cartridges he had taken from the trunk and loaded it. By that time his wife and brother-in-law were at his side. He fell to the floor and began shooting, fatally wounding his wife and hitting his brother-in-law and Mrs. Parthenia Green.

While he was still on the floor, Mrs. Mary Todd, 1153 16th St. N. E., came into the house and took the .38 caliber gun from his hands. Griffin fled into the woods nearby. He was followed by Francis W. Becker, a former department of justice agent, and arrested. Becker took him to No. 9 police station and turned him over to the police.

Crime—1926

Florida.

FLORIDA IS AGOG OVER MAN'S FATE

JACKSONVILLE, Fla., Mar. 11.—(By A. N. P.)—The most important case ever before a court in this State and in which a Negro attorney was involved is the case of Abe Washington, sentenced to hang. The Washington case is attracting attention throughout the whole State. The executive department, governor, attorney general and others are watching it with keen interest.

Abe Washington, a nondescript, brutally murdered a colored woman in this city in 1922. He was sentenced to be hanged by the courts. His case was delayed by his attorney, and up until 1923 he was still a prisoner in the Duval County jail at Jacksonville. When the Legislature met it passed a bill which abolished hanging as a means of execution in this State. Electrocution was substituted and an electric chair was installed at the State prison farm at Raiford.

When the State attempted to carry out the sentence of the court, to put Washington to death, his attorneys filed a suit, on the grounds that Washington could not be electrocuted since his sentence was to hang. Two weeks ago Governor Martin signed a death warrant, ordering Washington to be hanged. Attorney S. D. McGill, one of the most prominent and most learned Negro lawyers of this county, who had been selected by the court as Washington's counsel, had the warrant set aside by Judge Gibbs, because of the fact that Washington had been sentenced to be hanged.

Governor Martin asked the attorney general's opinion on the matter and signed a warrant instructing the sheriff of Duval county court to erect a special gallows in the jail here to hang Washington as the court ordered. Attorney McGill immediately filed a writ of habeas corpus, upon which Judge Gibbs is scheduled to render an opinion some time during the week. Thus Attorney McGill has thrice saved Washington from the chair.

He has further attracted the attention of the whole State, since the governor sent the assistant attorney general down to Jacksonville to be present at the hearing here last Thursday before Judge Gibbs.

The judge ordered Attorney McGill to file a brief in the case, which was done. If Judge Gibbs rules adversely in the case, McGill will take it to the State Supreme Court, thence to the United States Supreme Court if necessary. This is desired by the State officials also, in order that a precedent may be established.

There is another case before the courts of the State similar to this one. A white man by the name of Nichols is in jail in Orange County under sentence of death by hanging, but because of his many attempts to have the sentence commuted was still alive when the Legislature substituted electrocution. If Washington wins or loses, Aubrey Nichols, the white man, will suffer the same fate, unless he is able to save himself by proving his innocence.

Attorney McGill is now the most talked of lawyer in town, white or black, and his fight to save Washington has won for him the admiration of the public in general, as well as the members of the legal profession. In the courtroom last Thursday he positively defeated the assistant attorney general in debate.

FLORIDA STIRRED OVER FATE OF NEGRO MALEFACTOR

(By The Associated Negro Press)

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The Worst Form of Slavery

It has been the common belief that the thirteenth amendment to the federal constitution abolished slavery in the United States, but it did not.

We can never truly say that slavery has been entirely abolished so long as a state in the Union legalizes the leasing of convicts.

The convict leasing system is the worst form of slavery. It is cruelty in its direst form, a blot on civilization and a disgrace to those who countenance it.

Everywhere the system has been tried it has been abused. It begets torture, corruption and scandal. No matter what safeguards a state or county attempts to throw around the system, greed will win in the end and make of the leased convict camp a hell-hole of abuse and injustice.

A year or more ago the nation was aroused by conditions obtaining in Florida. The murder of a young westerner, convicted of a minor offense, caused the lid to pop off, and the whole country was shocked by the harrowing stories of brutality.

Later there was a scandal in Georgia growing out of the abuse heaped on the poor devils who had fallen into the clutches of the law and been delivered into the hands of brutes in the guise of overlords on the pay rolls of industrial concerns.

Last week decency received another shock when the Alabama coal mine atrocity was made public. Boiling a prisoner to death in a water vat is a reversion to the savagery of wild tribes who ate their captives after cooking them. It shows how methods of cruelty progress where law is weak and justice asleep.

The bull whip is bad enough, but death by beating is mild when compared with the torture of the unfortunate man who fell into the clutches of the Alabama coal mine gang.

Here is how the iniquitous convict leasing system works in Alabama, as described in our columns yesterday:

"In 51 of 67 counties the county convicts are leased at so much per head to private concerns and individuals for work in coal mines, saw mills, on farms, roads and what not. The concern leasing them works them as it sees fit, with its bosses and guards, inflicts its own punishment generally, and the only state supervision is a requirement to get permission from the state board of administration before flogging prisoners and to submit to a monthly inspection as to such things as sanitation. The system admittedly is out and out leasing of human beings into bondage."

Who ever heard of a brutal convict camp boss asking a state board for a permit to flog or otherwist abuse a prisoner who had incurred the ill will of the boss? Nothing whatever is said of a permit being asked or granted to immerse in boiling water that poor fellow who was tortured and killed in that Alabama inferno to which he had been consigned.

How many men are tortured and killed annually in these convict camps probably only the recording angel knows. Certificates as to cause of death seem to be merely scraps of paper, meaning nothing.

The South must accept its full share of blame for such convict camp outrages as occur in the South, but the South is not alone to blame for the accursed system. Greed is primarily responsible for the system, and greed recognizes no territorial boundaries.

The Alabama atrocity was committed at what is known as Flat Top camp, in the coal region near Birmingham. The mine is owned by the Sloss-Sheffield Company, which is largely controlled by northern capital. So northern capital must share the responsibility.

When wage earners are dissatisfied with working conditions they exercise their constitutional privilege to lay down their tools and quit, if they see fit to do so. They will not stand for abuse at the hands of capital or capital's hired tyrants.

But the unfortunate who is condemned to a season of penal servitude is as helpless as a newborn babe. He must take what his overlords see fit to give, even if it be abuse and death.

It is proper that men who have violated the law should pay the penalty prescribed by law. Men serving a prison sentence should not be permitted to spend their days in idleness.

But this does not imply that they should be made the victims of petty or major persecution by merciless understrappers in the employ of the government or on the pay roll of a corporation or any industrial concern.

Only governmental agents — municipal, state or federal—should be put in charge of either short-term or long-

Floridian Whites Face Death Penalty for Brutal Murdering of Innocent Colored Workmen

Well Known Everglade State Caucasions Convicted as Firs[illegible] of Their Race for Capital Crimes Against Colored People.

Jacksonville ,Fla., Aug. 15—Four white men are being held in jail here facing life sentences and the death penalty because of their alleged participation in the killing of colored men here recently. Britt R. Pringle and Walter O. Howard, are the two men who face the death penalty, and O. P. Kirkland and W. F. Stokes have been given life sentences.

Britt R. Pringle is the firs white man to be convicted of firs degree murder for the killing of a Negro. Recently he and his helper, Howard, "lured," it is alleged, John Simmons, a Negro wood dealer and personal friend, into the woods and, according to the testimony given by Howard, Pringle killed him with an ax blow on the head.

O. P. Kirkland and Stokes are alleged to have seized Dick Burgin from a white man in a car with whom he was returning to Folkston, Ga., and accusing him of "resembling a Negro who had stolen a car," shot and cut him to death. Both crimes were considered among the most brutal in the history of the state. County officials are fighting every effort of the accused men to have a new trial of sentences commuted, with the exception of Howard who turned state's evidence.

Three colored men are in jail as a result of attacks upon white men. They are Raymond Stone, Walter O. Salter, and Marion Folger. The former are accused of the murder of Attalfar Rohman, East Indian merchant, here Thursday of last week. Folgar is charged and has been tried for the murder of an honorary deputy sheriff at Jacksonville Beach.

COUNTY REFUSES TO 'BOARD' NEGRO SENTENCED TO DIE

Tallahassee, Fla., November 5.—(AP) Fortune Ferguson, a negro, has cheated death so long that officials of the county in which he is held under sentence, have refused to pay his "board" any longer.

Advised that [illegible] county commissioners had refused to pay the sheriff for feeding Ferguson, who has been held in jail since 1924 under death sentence for criminal assault, Governor Martin has asked Attorney General Johnso for an opinion on whether the county can be forced to pay the bill.

Death warrants twice have been issued for the negro but legal moves by his counsel delayed execution. The last delay came when Chief Justice Brown of the state supreme court gave permission for an appeal to the United States supreme court.

A survey of the prisoners in the Florida State prison at Raiford shows the greatest number to be between the ages of 18 and 21 years. There are 83 whites and 85 negroes of this age. From 22 to 25 there were 48 whites and 75 negroes, with a decreasing number for the older ages, there being three whites and five negroes between 61 and 70. This would seem to indicate that in Florida, at least, the young fellows are causing the most trouble. Wonder what the editor of the Dearborn Independent will think of this after publishing that article the other week showing that most crime is committed by men between 35 and 45 years of age. That's undoubtedly true in many states. Which show that its doubly difficult to strike an average for the entire country.

Crime-1926

General.

OUR RESTLESS PEOPLE

Richard Washburn Child, the American author who was ambassador to Italy, has written a book dealing with America's rising tide of crime which has occasioned much comment. The book is called, "Battling the Criminal," and it is a timely contribution to the discussion of the fact that among other distinctions, the United States must accept that of being preeminent among the civilized nations for the extent of the crime committed within its own borders. This unpleasant fact has inspired comment from many of our leading citizens. A few years ago Prof. Ellsworth Huntington of Yale, in a study of the relation of civilization to climate, supplied ground for the inference that our atmosphere is too stimulating for nervous stability; while James M. Beck in 1921, addressing the American Bar Association, suggested that one of the greatest causes of our over-supply of crime might be found in the fact that a high productive industrial system had conferred leisure too lavishly and too suddenly upon an energetic people. This he thought resulted in boredom and a consequent frantic search for amusement that was unnatural and tended to morbidity.

Mr. Child remarks upon what perhaps is a manifestation of the same restlessness when he gives as one of the reasons for the crime habit the fact "That we have become an Arab State." People of all classes move from city to city and state to state with the greatest casualness, and this adds to the difficulty of tracing offenders against the law. The home is breaking up, criminality among the youth has increased, and a "devil-may-care era" lures many from all social strata to careers of lawlessness. Accompanying this is a "degenerate crop of literature of discontent." The country suffers for its prosperity by the appearance that claims the luxuries of the rich society, including idleness and excitement without responsibility, or the necessity of a struggle to gain a livelihood.

This reminds us to review the policy of abolishing entail. After all, was the abolition of entail an unmixed blessing to the American people? What has been called the Pioneer Period of the American people ended in 1890. Until then ambitious and pushing youth could find a frontier somewhere in America. It was unnecessary for them to found a family and to build for the future. They could always find a new frontier and cheap land. When the frontier reachel the Pacific Ocean the task of taking up the work of civilization in back lands that had not been occupied was undertaken. This may be the basic cause why our people are so restless in their permanent habitation. They move in droves when gold is discovered in California, or oil is discovered in Texas or Oklahoma, and the automobile prosperity in Detroit and Cleveland draw many of our young people to try to establish a home in a new city. Thousands are attracted by a promise of prosperity in real estate booms in Florida and other states. The fact that they move so easily proves that the ties of home are loose. They do not go from long established family homes.

The established home which has been maintained for several generations makes for the permanence of American institutions, and such continued homes are constantly contributing to the cost of the government, and to the value of American life. They require thought and effort both for their establishment and for their maintenance, but they are worth the effort. The weaker members of the family usually prefer to try adventures of nomadic civilization, where not so much labor and effort are required, and where there is more of an element of the gambler's chance. It makes us wonder if our forefathers were not too excessively devoted to the principles of democracy when they abolished the system of entail, which was conceived to keep together the family home and the family property. Under our present system the family home and the family property of other generations have been dissipated and scattered no one knows where. It is only in exceptional cases that some family has established itself and feels that its roots are deep in the soil of its community and state; and in the long run this is the family that contributes to the best in our government and civilization.

Would Be a Good Rule If It Could Be Universally Applied

Editor Constitution: Nearly all crime comes from suggestion. An intent to commit a crime is formed in the mind of a person of criminal inclination when he hears or reads about a successful criminal act.

Not as a matter of law enforcement, but as a matter of crime reduction, may I suggest that without being conscious of it the news distributing agencies of the world today are encouraging and augmenting crime by spreading broadcast daily graphic descriptions of successful crime. Now suppose no newspaper would lay before its readers any account of successful efforts to commit crime, would not this suppression of successful crime, and the broadcasting of stories of unsuccessful crime, go a long way toward putting a stop to the crime wave which seems to be sweeping the world?

It is my opinion that, if the press of the United States would immediately stop the printing of sensational and exciting stories of successful achievements of the bandit and the robber, and in lieu thereof would publish only corresponding display accounts of unsuccessfull efforts to commit crime, there would be a subsidence, a decided subsidence, of the wave of criminality almost immediately.

I believe the conspicuous failure of justice in Chicago put into the minds of tens of thousands of boys and young men in this country that they could commit crime and go unpunished because they were young men or boys. When a person of criminal inclination reads of the successful perpetuation of crime—a holdup or a robbery of any kind, he says to himself, "How easy that was," and he begins at once to plan a repetition of the offense in the hope of being equally successful.

If the news gathering and distributing agencies would refuse to send out over the wires and the local press everywhere would refuse to print sensational stories of successful criminality, I believe a great reduction of crime would immediately be the result.

S. GUYT M'LENDON.

The Capitol, Atlanta, Ga., January 12, 1926.

BLAMES CRIME WAVES ON RACE MINGLING

Harvard Psychologist Says American Traditions Which Preserve Order Are Weakened.

PHILADELPHIA, Feb. 28 (AP).—Crime waves in the United States are the result of a mingling of races, resulting in the weakening of traditions which ordinarily would preserve order, in the opinion of Dr. William McDougall, psychologist of Harvard University.

This was his reply yesterday, at a meeting of the Philadelphia Foreign Policy Association, to the plea of Syud Hossain of Indian birth, who urged a brotherhood of man with America in the rôle of moral leader. The discussion was on "The Future Relation Between East and West."

"Racial preference," not "racial prejudice," was stressed by Dr. McDougall. "America," he said, "warned by the colored problem, has cultivated the principle of racial preference and applied it to the problem of an influx of men from the Far East. If you had 10,000,000 Asiatics here would any one maintain, good citizens though they be, that the resulting problems would not be insoluble, with all the accompanying social inharmonies?

"Take India. They adopted caste. They were driven to it rather than lose all that was splendid and noble in their culture.

"In America you created it. No other Western civilization has a great caste system. It is an unfortunate necessity. We should so regulate our policy as to avoid 'caste or chaos.'

"As it is, the one great blot on American life is the extraordinary tide of crime. Its root cause is the enormous intermingling of traditions here. Thus they are weakened and lose the power to govern the lives of men."

U. S. HOLDS 1925 RECORD FOR MURDERS

Rule of Mob in South Is Blamed

With a record of murders and petty offenses that give her the crime championship of the world, America is beginning now to reap that harvest of lawlessness that she has been sowing through the long years of winking at mob violence and lawbreaking in the South. Figures made public last week show the United States to be the most lawless civilized nation in the world today. Statisticians who have become appalled at their own figures are attempting now to attribute the unenviable supremacy to "America's pioneer individualism." The man in the street who reads daily lynching reports attributes it to nothing but the contagious influence of southern barbarism.

Statistics show that the homicide rate of the United States—7.2 for every 100,000 people—is double that of "passionate" Italy, where crimes of violence are proverbial, four times that of Australia and South Africa, nine times that of England and Wales, eight times that of "hot-headed" Ireland, and 18 times that of Scotland.

NEW YORK, CHICAGO CRIME CENTERS

The New Yorker has just 26 times as much chance as the Londoner of enjoying the sensation of a hold-up, and the resident of Chicago is about 100 times as likely to find himself looking down a pistol barrel as the Cockney.

In 1923, the year before the mutilated, acid-burned body of little Bobby Franks, 13-year-old heir to a $5,000,000 fortune, was found in a culvert under railway tracks on Chicago's outskirts and Leopold and Loeb had committed what they called a "perfect crime," Chicago had a total of 389 homicides as against England's 98.

In that year the number of people killed in crimes of violence had risen from 9,500 to 10,000. In 1924 the total had reached the astounding figure of 11,000. In the lesser crimes, also, the United States has a big lead.

The annual crime bill of the States has been estimated at not less than $10,000,000,000 a year. Of this appalling sum $3,500,000,000 is direct loss through theft and destruction, another $3,500,000,000 indirect loss through preventing crimes and detecting, trying, punishing and reclaiming criminals, and the remainder indirect economic loss through the idlenes sof the criminal population.

CROOKS ENJOY PRISON LIFE

There are roughs literally hankering after the joys of Sing Sing prison. "Aw, send me back," exclaimed a daylight robbery ruffian the other day to the judge. "I've got some fine pals up there."

At Sing Sing what is called "country club life" is now enjoyed by the prisoners, who are being provided with what is proudly declared by the authorities to be the last word in comfort and aesthetic enjoyment.

The prisoners, 1,000 odd, enjoy strolls in a prison yard adorned with flower beds, shrubs and grass plots, and a rose garden in which thousands of blossoms grow about a fountain where goldfish sport among the lilies.

Many of the Sing Sing prisoners are allowed to spend about $3.50 a week on luxuries and to prepare their own food the way they like it.

Two gangs were secretly organized in Sing Sing resembling the associations of gangsters which prevail in New York. One was led by a man who is serving 20 years for murder. The gangs came into conflict after a cinema performance on one occasion, and eight men were badly hurt before order could be restored.

Last October, Terrence Druggan and Frank Lake, described as "beer runners de luxe," told a federal judge that it cost them $2,000 a month to live in an Illinois gaol.

They said they paid certain officials to have them transferred to the hospital of the institution, where they lived a life of ease and fared sumptuously at their own expense.

The prophesy made years ago by far-sighted members of the Race has come true in America's crime growth. The disrespect for law that accompanied the South's mob violence has spread so rapidly over the country that America today is the world's most lawless country. The United States enjoys the unenviable reputation of leading the civilized world in crime.

COLUMBIA TO START RESEARCH IN CRIME

Law School Will Try to Discover Scientific Methods for Use in Courts, It Announces.

WILL AID STATE AGENCIES

Prof. A. M. Kidd of California Is Head of New Study—Will Have Aid of Criminologists.

To attack the problems of crime, the Law School of Columbia University has adopted a plan of studies unique in American law education, it was announced by that institution yesterday. A research seminar will be established to apply the methods of science in promoting the administration of criminal justice throughout the country, which now, it was declared, is in grave need of sweeping reforms.

Only by employing scientific research, can the whole crime situation be successfully met. In its new program of instruction and inquiry, a departure from the Law School's century and a half of tradition, Columbia will cooperate with the National Crime Commission and other agencies, among them the proposed New York State Crime Commission backed by Governor Smith.

The research seminar will be directed by a group of prominent members of the Columbia teaching staff, including Alexander Marsden Kidd, whose appointment as Professor of Law was also announced yesterday. Leading authorities in psychiatry, psychology and other phases of criminology will work with the Law Faculty.

Professor Kidd is now a law professor in the University of California. He succeeds the late Professor Ralph W. Gifford. He is a native of San Francisco, where for nine years he has been in active practice. He received his training at the University of California and the Harvard Law School.

Associated with Professor Kidd in the work of the research seminar will be Professor Joseph P. Chamberlain and Professor Raymond Moley of the Department of Public Law. Professor Moley is editorial director of a State-wide survey of criminology now being completed in Missouri and characterized as the first ever attempted on this scale in the United States.

The seminar, according to the announcement, will take up national research problems "in criminal law, procedure, the administration of public offices related to enforcement of the criminal law, and in criminology."

"Professor Kidd was moved to come to Columbia by the fact that New York seemed to offer extraordinary opportunities for research in the field of criminal law and criminology," the announcement said. "Here are located many of the leading authorities in psychiatry and other fields concerned in the administration of justice.

"Here, also, are courts and penal institutions handling a larger variety of criminal cases than in any other city in the United States. The National Crime Commission has its headquarters in New York, and, moreover, within a short distance of New York City can be found a wide range of methods of administering the law, from the methods and institutions of the New England States to the varied processes and methods used in New Jersey, Pennsylvania, Delaware and Maryland."

MURDERS IN 1925 MADE HIGH RECORD

Worst in Country's History, Says Statistician Giving Figures for 77 American Cities.

RATE 11.1% PER 100,000

Increase in 35 Cities, Decrease in 40—Chicago Had 563 Deaths, New York 374.

"Our murder record for 1925 is the worst we have thus far experienced," says Frederick L. Hoffman, consulting statistician of the Prudential Life Insurance Company of America, in an article in the current issue of The Spectator, an insurance journal.

"Preliminary statistics for seventy-seven American cities," he goes on, "indicate an increase in the murder death rate from 10.8 per cent. per 100,000 in 1924 to 11.1 per cent. per 100,000 in 1925. The rate increased in thirty-five cities and decreased in forty others, while in two it remained unchanged."

New York City, the statistician says, was one of the two cities in which the rate remained unchanged, "even though his figures show that there were thirteen fewer homicides in this city in 1925 than in 1924. A decrease in population, it is asserted, accounts for the unchanged rate.

The other city in which the rate did not change was Newton, Mass., which not only had no murders in 1925, but had none in 1924. The tables also show that there were no homicides in four other American cities during 1925. In addition to Newton they were Haverhill, Holyoke and Salem, Mass., and Manchester, N. H. Lawrence, Mass., which Mr. Hoffman's figures show had no homicides in 1924, had 4 in 1925, increasing the rate from nothing to 4.3 per cent. per 100,000.

The most suggestive increases in the rate, says Mr. Hoffman, are the following: The rate for Chicago increased from 17.5 per 100,000 in 1924 to 18.8 in 1925, or from 509 deaths in 1924 to 563 deaths in 1925; the rate for Cincinnati increased from 15.3 to 21.3, the rate for Cleveland increased from 10.7 to 13.6 and the rate for Dallas, Texas, increased from 24.5 to 27.3.

Jacksonville, Fla., had the highest homicide rate in 1925, Mr. Hoffman says. The rate was 72.3 per 100,000, as compared to 58.8 in 1924. The increase in number of homicides was from sixty-three in 1924 to sixty-nine in 1925. While there was a decrease in the rate in Memphis from 69.7 in 1924 to 59 in 1925 and in number from 120 homicides in 1924 to 103 in 1925, the Tenessee city has the second highest rate. The cities that show the next highest rates are Birmingham, Ala., despite a decrease of twenty-four homicides; Savannah, Ga., and New Orleans. All these cities are below the Mason-Dixon Line, Mr. Hoffman points out.

Chicago had the greatest number of homicides during 1925, Mr. Hoffman's tables show. The Illinois city had 563 homicides in 1925, to 509 in 1924. New York had the next highest number of homicides--374, a decrease from 387 in 1924. Detroit had 243 homicides in 1925, the third highest number. Mr. Hoffman estimates that there were not fewer than 12,000 deaths due to murder in this country during the course of the year. He declared that the economic loss to the nation was very serious.

Boston experienced a substantial decrease in homicides in 1925, Mr. Hoffman says, and brought the rate down to 3.1 per 100,000. The decrease was from forty homicides in 1924 to twenty-four in 1925. Other cities in which both the rate and the number decreased were Los Angeles, Denver and Seattle.

After comparing the American homicide rate with that of Italy Mr. Hoffman says: "The evidence extending over a long period of years is quite conclusive that the normal American homicide rate is now approximately twice as high as the corresponding rate for Italy, often referred to as the 'classic land of murder'."

Disease and Crime Study Is Planned

NEW YORK, April 1.—The relation between disease and crime will be studied by a special committee selected by Mrs. Richard Derby, daughter of the late Theodore Roosevelt, it was announced Monday by F. Trubee Davison, chairman of the National Crime Commission.

The committee, which will study all matters dealing with the physical and mental condition of criminals in relation to the causes of crime, includes John M. Parker, former Governor of Louisiana; Raymond Layman Wilber, president of Leland Stanford University, California; William Allen White, publicist of Emporia, Kan.; Gustave Pope, of Detroit, one of the directors of the Red Cross, and prominent New Yorkers.

FLA. CITY 1ST IN NUMBER OF MURDERS

IN U. S. A. JACKSONVILLE MOST MURDEROUS CITY IN COUNTRY FOR 1925—IS CHIEF CITY OF LYNCHING STATE — WHOLE COUNTRY HAD HIGHEST MURDER RATE EVER—SEEDS OF LYNCHING BEARING FRUIT—TWICE AS BAD AS ITALY

Though 1925 showed the highest murder rate in history for the United States as a hole, Boston's rate showed "a substantial decrease" from that of 1924, according to a survey by Dr. Frederick L. Hoffman, consulting statistician of the Prudential Insurance Company of America, published by The Spectator.

In the 77 cities, the aggregate murders increased from 3096 in 1924 to 3208 in 1925, a jump in rate from 10.8 per 100,000, or one in every 10,000, to 11.1 per 100,000.

The rate in 1900 was 5.1; in 1910, 8.1; in 1919, 9.1.

The United States, says Dr. Hoffman, has twice the normal murder rate of Italy, "often referred to as 'the clasic land of murder.'"

Boston had only 24 murders in 1925, as against 40 the previous year, a drop in rate from 5.1 to 3.1 per 100,000.

JACKSONVILLE, FLA.

The statistician compares this record with that of Jacksonville, Fla. "In Jacksonville there was an increase of from 63 to 69," he says. "That city at present has the highest murder rate on record, or 72.3 per 100,000.

"The extraordinary contrast in this respect is best visualized by comparing the 24 murder deaths in Boston in a population of 789,000 with 69 murder deaths in Jacksonville in a population of 95,000."

In Chicago there were 563 murders last year, as against 509 in 1924, a jump from 17.5 to 18.8 per 100,000.

New York City had 387 murders in 1924, a rate of 6.4, same in 1925. Philadelphia, under Gen. Smedley Butler, had 149 murders in 1924 and 192 in 1925, an increase from 7.6 to 9.7. San Francisco showed a decrease in killings from 43 to 32, and in rate from 7.8 to 5.7; Providence, an increase from 8 to 9 killings, a rate jump of 3.3 to 3.4.

ITALY

Dr. Hoffman includes some statistics from a recent official publication of the Italian Government, showing that the homicide rate of Italy was 4.9 during 1923.

"It is my own personal conviction, based upon a careful examination of many series of statistics, that the evident effects of the war have but a very slight, if indeed any, relation to the crime trend in this country," Dr. Hoffman says.

"The homicide rate of England and Wales decreased. The approximate population of England and Wales is little less than 40,000,000, yet it had less than half the murders in 1923 that Chicago, with a population of 2,995,239, had in 1925.

"Extended consideration of the subject, including personal participation in two electrocutions, have convinced me that, since the death penalty will not be inforced, except in rare occasions, it is much better to do away with it entirely," Dr. Hoffman says.

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General.

A CHANCE FOR ANOTHER TROPHY.

Race Criminality Exaggerated, Says Darrow in Harper's

Courier-Journal 11-27-26

Writing on "Crime and the Alarmists" in the October number of Harper's Monthly Magazine, Clarence Darrow points out that the crime of Negroes is vastly exaggerated. "The colored population," declares Mr. Darrow, "is charged with a share in the commission of crime quite out of proportion to their number. This, too, should always be considered in connection with the fact that in the North they live in industrial centers and in restricted, crowded areas and that colored people, owing to race prejudice and poverty, are much more apt to be accused and convicted than the whites."

County-Jail System

Nation 11-24-26

TO THE EDITOR OF THE NATION:

SIR: I have read with interest the article in *The Nation* entitled Barbarism to Convicts. To my mind it does not strike at the real root of the trouble, the county-jail system itself.

A study of the county jails in New York State by a joint committee, headed by George W. Wickersham, former United States Attorney General, points to the necessity for committing sentenced prisoners to the custody of the State authorities and establishing a series of industrial farms under State control, similar to the farm colony of the District of Columbia established by Congress at Occoquan, Virginia. The National Committee on Prisons and Prison Labor in cooperation with the General and State Federations of Women's Clubs is guiding a nation-wide movement for the abolition of the county-jail system. This is the one and only way to correct the abuses. The county-jail system was carried over to this country from England, but England has long since discarded it and placed all prisoners under control of the central government.

Alabama is not "the only State in the Union that tolerates the exploitation of its convicts for profit." It is the only State which turns its State prisoners over to private interests; but in some fourteen of the other States the exploitation continues under the prison-contract system. The "State and States' use" system will solve the prison-labor problem, but it is a process of evolution not revolution and it will require money, time, and brains to carry it in forty-eight States.

The Governor of Alabama cannot solve the Alabama problem alone. All the States must cooperate if this century-old scandal is to give place to a system of prison labor which will insure proper industrial training to the prisoner, support for his family, and fair play to the free worker.

New York, November 3 JULIA K. JAFFRAY,
Secretary, National Committee on Prisons and Prison Labor

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Georgia.

ATLANTA'S CLEAN-UP DRIVE

We note that Atlanta has inaugurated a drive against crime and vice. The city has long needed a drive of this sort to re-establish peace and law. Too long have crime and criminals run rampant over authority. Life had become [illegible]

We hope that the present drive will be conducted fairly and properly and the city will be once more rid of underworld rings and general lawlessness.

We hope further that the police force will be instructed to arrest criminals regardless of race or color. Frequently policemen during such a campaign enter the Negro districts and arrest helpless and unoffending Negroes without cause when powerful underworld rings operate with impunity in the heart of the city. Excessive energy is spent in rounding up Negro petty offenders and criminals when more effort should be used in bringing to justice gangs which perpetrate such a brutal crime as the murder of Bert Donaldson. We support the arrest of all criminals, white or black. But we fail to see how such openhanded and audacious crimes occur so frequently when the least Negro offender is apprehended and sometimes brutally assaulted, unless we are to conclude that the police force intends to apprehend Negroes instead of criminals. We hope that this evil will be eliminated.

Frequent arrest of petty prohibition offenders would be unnecessary if the big bootlegging criminals were rounded up. It will be of little avail if the big bootlegging rings are allowed to escape for they are sources of so many petty offenders. As fast as the little fellows are arrested the big fellows secure more to peddle their poisonous liquors. It is to be desired that the ring leaders of crime will be brought to justice as well as the petty offenders.

In spite of a few policemen who override and abuse their authority, there are those who conduct themselves as properagents of the law, and who are fair to black and white citizens alike. The city should make special efforts to increase this type of policemen. This type is a credit to the force and will do more towards reducing crime and in cleaning up the city than the big bully who abusively wields the gun and the billy.

Let us bend our efforts toward making this drive a success!

WHITE OFFENDERS IN MAJORITY

Years ago whenever a crime was committed in this section, it went without saying, that the accused had a dark face, and punishment was forthwith and in many instances very severe. More recently a remarkable change has been made. The daily papers are teeming with accounts of offenses of every kind committed by the more forward race. Years ago there was a studied effort to cover crimes committed by them and if arrested, some method was adopted in order that the criminal charge would not be placed on record. Such consideration is not now being extended, hence the record as noted. It is pleasing to note, that notwithstanding the increase in population, the offenses committed by our people are not in proportion with the record of a decade or two ago. Even though there is a decrease, the present number of crimes is more than should be credited. It is nearly impossible to get rid of those who are criminally inclined, but many offenses have been committed by those who could have avoided doing so, with just a little thought. It is to this class that appeal is made so that the crime record of our group may be decreased.

NEGRO SLAYER SAVED FROM DEATH IN CHAIR

Governor Clifford Walker late Saturday stepped between Rufus "Mule" Hicks, and the electric chair, and in an executive order commuted his sentence of execution to life imprisonment. The Muscogee county negro was sentenced to die July 13 for the slaying of a prison guard in an attempt to escape.

In his executive order Governor Walker declared that since the chief justice of the supreme court dissented from the judgment affirming the conviction of Hicks, although technically the evidence was sufficient to "justify the verdict," that the record "leaves a very grave doubt that this applicant actually killed the deceased."

The chief executive further says that Hicks was "an innocent negro boy only 19 years old when given an inhuman sentence of 20 years for larceny," and that "he had never known the real meaning of freedom."

At the time of the killing Hicks was serving a 20-year sentence for stealing a horse and killed the prison guard in his attempt to escape prison.

ED GLOVER DIES IN DEATH CHAIR

Milledgeville, Ga., September 9.—(AP)—Ed Glover, negro, confessed slayer of Miss Hilda Smith and R. W. Wilson on July 10, as they sat talking in an automobile near old Camp Wheeler, went to his death here today as a penalty for the crime. He was pronounced dead at 1:03 p. m. after receiving three different charges of electricity. The first charge was applied to the negro's body at 12:53 o'clock.

Glover gave newspapermen from Macon another long statement, explaining his movement on the day of the murder. He reiterated his statement made at his trial that Bars Davis, a farm hand, made him commit the crime.

Davis was recently tried in Macon for complicity in the murder and given life sentence.

J. R. and J. M. Wilson, brothers of the slain youth, witnessed the execution. The negro maintained even after he had been strapped in the death chair that he had told the truth about the killing at his trial and at the trial of Bars Davis, to which he was summoned as a witness.

Solicitor C. H. Garrett and Sheriff J. R. Hicks, of Bibb county, also witnessed the execution.

Number of Negroes in Georgia County Jails on Decrease Says Department of Public Welfare

"There were fewer Negroes in the county jails of Georgia last year than were in 1921," stated Miss Rhoda Kaufman, Executive Secretary of the State Department of Public Welfare in discussing a survey of jail conditions that has been completed recently by the department.

"It is shown by the figures, collected by the department of welfare, that the number of Negroes in Georgia jails last year was 17 per cent less than it was four years ago. This is in contrast to an increase of 30 per cent in the number of white committments," said Miss Kaufman.

"While these proportions do not exist in all of the large cities they were obtained from a survey that covered the entire state, and on that account, they are significant of a greater change than the figures show," explained Miss Kaufman. "Some years ago there were on the average, two Negroes in jail for each white man. Now, there is one Negro for each white prisoner. This is still too high a ratio as the Negro population of the state constitutes but about 40 per cent of the total."

"The State Department of Public Welfare is working hard to improve conditions in the Georgia county jails and the service that it is rendering in this line effects the white and colored races alike. In explaining this phase of the department's work, Miss Kaufman said, "Local committees if interested citizens have been appointed, in about one hundred counties, by the State Welfare Department to assist in carrying out the provisions of the state law requiring regular inspection of all county jails, either by an agent of the department or by such a committee."

"The aim of the Jail Visitation committee is to better conditions in the county jail—not with the idea of making the jail a comfortable haven for the criminal but with the purpose of insuring to all prisoners a clean, healthful place to stay, with necessary heat, light and medical attention, clean beds, clean blankets, and a sufficient supply of plain but wholesome food. It should be remembered that the county jails of Georgia are simply places of detention for persons awaiting trial and ordinarily are not used for punishment of correction purposes."

"The young boy in jail is entitled to be separated from the older and more hardened offenders. It goes without saying that the sexes should be segregated, but there are jails in our state today where men and women, accused of crime, are found confined in the same cell compartments. Where such conditions occur neither the individual nor the public is receiving proper protection."

"Before beginning their work of jail visitation the committees study the best thought and experience in jail construction, equipment, and management as expressed in literature furnished by the department. With this background they measure their county jail according to the standards of human needs and public safety. Upon this thorough and comprehensive inspection they base their report and recommendations which are first concurred in by the department and then submitted to the county commissioners, the sheriff, the judge of the Superior Court and the grand jury—in fact to all those officials directly concerned with the maintenance and management of county jails."

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"The duties of the committees are entirely of an investigatory and advisory nature. While they do not attempt to exercise any police power over the jail and cannot enforce changes and improvements by law, they are accomplishing throughout the state a great deal through cooperation with county officials, the stimulation of public interest and by causing the community to realize that the county jail may be as important a factor in breaking down the moral tone of the community as the school and the church are in building it."

Fewer Negroes, More Whites In Ga. Jails

Atlanta, Ga.,—That the Negro population of Georgia is becoming more law abiding and the white population less so is indicated by a study of the county jails of the State just made by Miss Rhoda Kaufman, secretary of the State Department of Public Welfare. The study shows that in the last four years the number of Negroes in Georgia jails has decreased seventeen per cent while the number of white inmates has increased thirty per cent. "Some years ago there were on the average two Negroes in jail for each white man," says Miss Kaufman's repjort, "while now the numbers are almost equal. This is still too high a proportion of Negroes, since the colored population of the State constitutes only about forty per cent of the total."

Continuing Miss Kaufman says: "The State Department of Public Welfare is working hard to improve conditions in the jails for white and colored prisoners alike. In about one hundred counties local committees of interested citizens have been appointed by the Department to make regular inspections of the jails have clean, healthful living conditions and a sufficiency of good food. From literature furnished by the Department these committees study the best thought and experience in jail construction, equipment and management, and measure their own jails by the most approved standards. They then make reports and recommendations to the officials responsible for jail maintenance and management. They are accomplishing great good through cooperation with county officials and by the stimulation of public interest in this subject."

THE HOUR HAS COME.

When it is mandatory to enforce the law against criminals, and Governor Walker, the prison commission and Judge John D. Humphries are to be commended for refusing to interfere with the sentence of Mell Gore, who should have died in the electric chair in Milledgeville, last Tuesday, on account of the death of W. H. Cheek, of Fulton county. The day has past when the decision of the courts ought to be interfered with, and the law made a mockery by smart lawyers, and cunning and designing criminals. The decisions of the courts and the law have been played with too long for the good of society. Men commit crimes with impunity because they believe they can defeat the purposes of the law by technicalities. There is entirely too much murder, robbery and high crimes committed against the peace of the state, and the guilty go unpunished of technicalities in the law. The guilty ought to suffer for crimes committed, and the ends of justice should not be defeated by sharp practice in the courts and endless dilatory motions on the part of unscrupulous lawyers. Much of the crime now prevailing in the nation is due to the disposition of a certain class of lawyers in every community to defeat both the ends of justice and the purposes of the law.

We do not believe in trying criminal cases in the newspapers, and we would not express our opinion in this case if the matter had not been finally adjudicated in court, the accused had his day, and was tried in an impartial court by a jury of his peers. The accused does not deny his guilt. He admits his presence and acquiesces in the story of Ruby Ray, who tells the world that she fired the shot that killed Mr. Cheek. This being the case, it is hard to understand how her testimony, if it were true, would legally affect the fate of Gore. He was an accomplice, it matters not whether Jack Wilson, or Ruby Ray fired the fatal shot. Mell Gore was present and was an accomplice in the heinous crime. The mandamus issued by the supreme court, to compel Judge Humphries to sign a bill of exceptions, cannot do any more than to delay the execution. Justice has been meted out for the culprit, and the punishment is adequate with the crime committed against the peace of God and the dignity of the state.

What we want is law enforcement, a fair and impartial trial for every man who is accused of any violation of the laws of the state or country. The accused is entitled to a day in court, and he is entitled to be heard in his own behalf, faced by his accusers, and provided with compulsory process, to have his witnesses in court. This procedure having been complied with, the ends of justice should not be defeated by interfering with the judgments of the courts. Lawyers who for smart names resort to technicalities in the law, for no other purpose than to delay the judgment that they know will in the end be executed, are enemies to society, and violate their oaths as officers of the courts. We repeat that the hour has come, and the day is past when criminals who have murdered human beings in cold blood and committed other felonies should be kept in jail as menaces to society, and encouragement to the criminal element outside, by technicalities and subterfuges, for no other purposes than delay. The law is fair and impartial and furnishes every man an opportunity to establish his innocence, and this is as far as the law ought to go. And the lawyer who goes further than these reasonable premises, simply takes advantage of the mercy and justness of the law, encourages crime, increases criminals, and strikes at the perpetuity of our government.

Let us have law enforcement.

Crime-1926

FEWER NEGROES, MORE WHITES IN JAILS OF GEORGIA

Atlanta, Ga., Sept. 23.—That the Negro population of Georgia is becoming more law-abiding and the white population less so is indicated by a study of the county jails of the state just made by Miss Rhoda Kaufman, secretary of the State Department of Public Welfare. The study shows that in the last four years the number of Negroes in Georgia jails has decreased seventeen per cent, while the number of white inmats has increased thirty per cent. "Some years ago there were on the average two Negroes in jail for each white man," says Miss Kaufman's report, "while now the numbers are almost equal. This is still too high a proportion of Negroes, since the Colored population of the state constitutes only about forty per cent of the total."

Continuing Miss Kaufman says: "The State Department of Public Welfare is working hard to improve conditions in the jails for white and Colored prisoners alike. In about one hundred counties local committees of interested citizens have been appointed by the department to make regular inspections of the jails in the effort to see that the prisoners have clean, healthful living conditions and a sufficiency of good food. From literature furnished by the department, these committees study the best thought and experience in jail construction, equipment and management, and measure their own jails by the most approved standards. They then make reports and recommendations to the officials responsible for jail maintenance and management. They are accomplishing great good through co-operation with county officials and by the stimulation of public interest in this subject."—Commission on Inter-racial Co-operation

Independent
9-23-26
Atlanta Ga.

SEP 24 1926

FEWER NEGROES, MORE WHITES IN GEORGIA JAILS

Decrease of Seventeen Per Cent For Fomer; Increase of Thirty Per Cent for Latter.

That the Negro population of Georgia appears to be growing more law abiding and the white population less so is indicated by a study of the county jails of the state just made by Hugh N. Full[illegible] the State Department of Pub[illegible] Welfare. The study shows that in the last four yers there has been a decrease of seventeen per cent in the number of Negroes in jail and an increase of thirty per cent in the number of white inmates, and that where, there was formerly an average of two Negro prisoners to each white one, the numbers are now almost exactly equal. The Department does not attempt at this time to explain the change in complexion of the state jail population. A similar change has been observed recently in certain sections of the Carolinas and has been widely commented on.

Georgia.

SEP 28 1926

COLOR OF JAIL POPULATIONS

In the Columbia State is an editorial disclosing that the number of white persons in the penal institutions of South Carolina is greater than the number of negroes, and that in Georgia in the last four years the white percentage has gone up by 30 while the negro jail percentage has gone down 17. The State doesn't find any remedy for that condition, and it suggests that "white mule" is responsible for the white jail increase. Can it be that one of the big arguments in the South in favor of prohibition, that it was wise to keep liquor away from negroes, and that prohibition laws would keep it away, was well founded?

Nobody can deny that the old open colored saloon, with its Saturday night crowds of negroes and its habits of shortchanging negro laborers, so that they had nothing left with which to buy shoes and groceries, was a mighty bad thing; it is well indeed that it is gone. Perhaps prohibition has cut down the consumption of liquor by the colored race to a very considerable extent; there are several indications that it has. If so, it is a good thing from the point of view of that race. Now if the white man will quit drinking bootleg booze, maybe the white jail population will show a relative decrease.

[illegible], Ga. HERALD

OCT 20 1926

THE WHITES ARE IN A MAJORITY

STRANGE as it may seem, records disclose the startling information that the number of white convicts in South Carolina and Georgia exceed the number of negroes. During the past four years the records show an increase to thirty per cent. of white people to a decrease of seventeen per cent. of the negroes in the prisons of these states.

This record is attributed to the prohibition law by some of the statisticians, and no doubt, there is something reliable in this claim. Since prohibition has been fostered upon the nation, the law has been generally violated, not only in cases of commercializing, but by many of the best citizens of the various communities who do not approve of its drastic requirements. The records bear out the claims and arguments of those who believe in the modification of the law, that a reasonable construction would in a great measure reduce the number of convicts now serving in chaingangs and prisons of the country.

So long as the prohibition law is without change its every requirement should be enforced and lived up to by our people—just as all other laws should be observed—but picking out and specifically arraigning people before the courts on frivolous charges of violating the prohibition law has caused a disrespect for the law and its enforcement. The American people believe in freedom of thought and action, in a measure, but when their rights are assailed and curtailed, resentment is bound to follow. A modification of the Volstead act, allowing a reasonable dispensation of wines, beers and whiskies, under the control of the government, a majority of the people of the nation would approve, and the unsettled condition now existing would be removed.

SEEK NEGRO; FIND WHITE MAN GUILTY

Dark Caucasian Admits He Slew Patrolman

A colored man is being sought by police as the alleged murderer of patrolman Julian Bonfield in a holdup Wednesday at the Extension Conservatory. Just when the police thought they had the goods on a notorious colored crook, a dark skinned native of Colombia, South America, was caught. Elin Lyon, 3823 Vincennes avenue, confessed that he was the one who shot the officer. Lyons named another man whom he claims was connected with the alleged holdup company. The confession was made to Assistant State's Attorney Emmett F. Byrne and Harold Levy shortly after he had been nabbed by police officers as a suspect.

Bee
10-20-26

Three girls, all victims of the holdup, identified the man as the leader of the two. E. K. Kramer, general manager, and [illegible] Dunn, employee, also identified Lyons. Lyons stated that he did not know that he killed the man. "I just fired the shot to keep him from arresting me. I did not know that he was dead until I read the papers. I came out of the place with two coats on my arm. Bonfield came up with the gun in his hand and said: 'Get back there.' I threw one coat aside and we wrestled. He had caught me around the waist and was in back of me when I shot over my left shoulder."

After the girls at the Conservatory reported that a Negro held them up southside police invaded many homes and gambling dens in an effort to locate the man answering to the description. None were looking for a white man. In many cases, it is alleged the officers smashed the doors in homes of peaceful citizens when they apparently were a littl slow in admitting them. Persons not knowing of the murder were pushed into patrol wagons and rushed to the police stations where they were questioned as to the murder and even placed in jail for several days. Prominent citizens, both white and colored were indignant over the actions of the police. One man said to a Bee correspondent: I knew Officer Bonfield. He was a very fine man, and wouldn't harm anyone unnecesarily, but I do think Chicago police ought not to invade homes of innocent citizens just to get an opportunity, it appears, to manhandle them. I think Chief Collins should stop this outrage. No section of the city has ever experienced such uncouth actions on the part of the police as was experienced by citizens of the south side.

Schoolboys on their way home were stopped by detectives and questioned as to their whereabouts. Many law-abiding citizens of our race were questioned and even placed in jail, it is said.

Crime—1926.

Georgia.

AS TO CRIME DETAILS.

There is food for thought in the suggestion of Secretary of State McLendon, in a communication published on this page, in which he deplores the space given by the average newspaper in recounting crime details.

Mr. McLendon believes that the sensational manner in which crime reports are displayed by the press is largely responsible for the crime waves that from time to time sweep the country.

There is no discounting of the power of suggestion, nor can there be any doubt of the fact that daily display of the morbid and prurient details of crime has a bad effect.

But how is it to be stopped?

The modern method is to apotheosize the criminal. Let some pretty young girl become involved in one way or another in a crime and the next step is to present her picture on the first page of a newspaper every day for a week or so—pictures taken morning, noon and night, at breakfast, or in repose, or chatting merrily with her friends.

This not being enough, disconsolate kindred are sought and their photographs are printed. Then the old family album is dug up and the heroine—for by this time the criminal has become a heroine—is presented as an innocent-looking, curly-haired school girl cherub. Then special staff writers are assigned to tell in picturesque details the story of the heroine's life which is followed step by step from the cradle to the jail. She is asked her views on the current questions of the day, such as the European or the Mexican situation, of which she knows nothing, but concerning which she talks volubly. At the end of a week or so she is a real heroine, and as she passes from the stage there are others who, fascinated by the glamor of publicity, are ready to take her place.

This does not apply to the press of any other country in the world. More crime is published in one day in some American newspapers than appears in a London newspaper in a year, and incidentally more murders are committed in one week in some cities of America than in all Great Britain in a year. The significance of this ratio, and the relation of one to the other, offers food for serious thought.

The time was, and that only a few decades ago, when the American press was as serious-minded as that of other countries. When important questions of the day were uppermost in the public mind, but there is no doubt that the tendency has been steadily in the other direction for the past two decades.

Some of the best of the American newspapers still cling to the old standard, but year by year more of them are wavering in the direction of the sensational procession led by the jazz band of what in modern parlance is called "yellow journalism."

But, after all, if the public did not patronize that sort of a paper there would be none of them.

So if there is a remedy must it not be reached through public sentiment?

BAR WHITE MEN FROM OPERATING NEGRO POOLROOMS

Mayor Sims Friday vetoed two resolutions allowing white men to operate poolrooms for negroes and gave as his explanation that such a permit was in violation of the state law.

The resolutions vetoed were for Elias Aperos to conduct a poolroom at 62 Decatur street and for A. R. Bock to conduct a poolroom at 12 Central avenue. Police officers, who had investigated the petitions reported that the applicants were white men, and that they intended to operate pool or billiard establishments for negroes.

Says Convict System Should Be Changed

Editor Constitution: An article appearing in your paper of recent date from Rev. Sam W. Small relative to the way convicts are treated recalls to my mind an incident that was brought to my attention.

I was on a winter train returning from Florida several months ago and in the observation car were quite a number of tourists. While we were in southwest Georgia in the vicinity of Albany we passed quite a number of convicts who were at work on the highway which ran parallel to the railroad. These tourists, evidently, were from states where they did not place their convicts on exhibition. They gathered in groups, pointed at the convicts, talked in a whisper as though they were afraid to speak out openly in their criticisms. This, to my mind, was very significant. And still people wonder why tourists do not stop in Georgia. When they enter the state either by train or automobile, they are confronted by these convicts on exhibition until they pass out of the state. It seems that the county authorities take special pride in placing these people where they can be seen. Our system of handling convicts is wrong. They are placed in steel cages and transported like wild animals. It is a disgrace to the fair name of our state. The roads can be built with free labor just as cheap as they can by convicts. In fact, some of the counties refuse to work them at all. Let the state build institutions similar to the United States penintentiaries, teach the inmates a trade and prepare them for useful citizens when their terms expire. As you know, hundreds of them are placed in stripes for some little petty offense and could not pay a fine if given that privilege.

BOYD A. LOVVORN.

Columbus, Ga., January 9, 1926.

RACE ... ARE I...

Years ag... nancipation, the c... in the state was n... ostly of persons of c... y seldom was a white person ... nvicted of major offenses, and very few minor ones. The gallows seemed to have been made solely for black necks. The sight of a white man in stripes was indeed rare. In the more recent years the pro rata has been increasingly changed. Today white criminals can be seen in stripes and many of them are charged and found guilty of the gravest offenses. In the entire state eighteen men are now in jail awaiting execution. Fourteen of these men are charged with murder and four of them are guilty of assault upon women. Heretofore whenever it was published that a woman was assaulted the thought was immediately directed to some "burly Negro." Not so in these cases. For this, the gravest crime of all, not a colored man is among the four guilty ones. All of them are white men and found guilty of assaulting their own women. Again, of the eighteen held for execution, only five of them are Negroes. It is regretted that any should be so held but it is pleasing to us to note that so few of them are our men. The number should be less, and now on, it ought be the purpose of all of our people to be more law abiding and materially reduce our criminal record.

UNIFORM RULES FOR PUNISHMENT SENT TO WARDENS

Stocks To Be Employed Only as Last Resort and Strict Regulation Governs Their Use.

LASH NOT INCLUDED IN OFFICIAL RULES

Five Methods of Discipline, Depending on Grade of Offense, Prescribed by Commission.

Use of stocks instead of the lash as a last resort to control unruly prisoners in Georgia convict camps was ordered Saturday by the state prison commission in a new set of rules on prison punishment issued to wardens.

The new rules are based on recommendations of a committee of physicians of recognized standing in Georgia. They were approved by the committee following a state-wide inspection of conditions in prison camps following reports of cruelty in administering punishment and open advocacy in some quarters of a return to the practice of flogging. The lash was outlawed by Governor Thomas W. Hardwick some years ago following widespread demand for reform of prison camp methods.

The new rules provide for five methods of discipline, to be used according to the degree of insubordination of the prisoner concerned. Solitary confinement is provided for minor infractions of discipline. Second in the list comes restrictions of diet; third, grade of clothing to stripes; fourth, use of shackles and chains, and, as a last resort, stocks.

Punishment Restricted.

It is provided that no prisoner shall be kept in the stocks longer than one hour at a time, and that he is to be examined and found physically sound by the camp physician before this punishment is inflicted.

The new rules have been approved by Governor Clifford Walker and will be put into effect by the prison commission immediately.

Dr. T. F. Abercrombie, secretary of the state board of health; Dr. J. O. Elrod, president of the Georgia Medical society, and Dr. Richard Binion, physician to the state prison farm at Milledgeville, formed the committee of physicians who conferred w... bers of the prison commis... humane features and ... of the punishme... After lengthy c... ful examinatio... data bearing ... physicians reco... of punishment ... er unusually ... prisoners.

"It is th... the comm... shall be th... not be un... the prisor... ided... be physic... and upon exa...n by the c... ysician."

The ... le thereupon passed by the c... ion for the government of convi... unishment in the various cam... the state, reads as follows:

"... (the wardens) shall safely keep all prisoners committed to their custody, rigidly enforce discipline by the use of such humane modes of punishments as will best enforce submission to authority and compel and induce the performance of good and faithful labor during work hours, such as solitary confinement, restriction of diet, restriction of privileges of receiving visitors and other privileges usually accorded first-class prisoners; strictly enforcing grade rules and good conduct account; the use of shackles and striped clothing; fastening them in stocks in such a way as will cause them to be restricted in their movements for not longer than one hour at any one time, provided the prisoner is found to be physically sound upon examination by the camp physician."

The new rules are being sent to every warden in the state, with instructions to comply with them.

The problem of adequate punishment for unruly prisoners has been one of much interest in Georgia since abolition some two years ago of use of the lash upon convicts in this state.

Methods Condemned.

Last fall when members of the legislative penitentiary committees began making their trips of inspection to the various convict camps, many methods of punishment devised by wardens to substitute for the lash were condemn-

ed by the committees as barbarous and far worse than flogging.

Such contrivances as posts and beams by which convicts could be suspended from their wrists with their toes barely touching the ground; "stretchers," which pulled the convicts' joints in manner similar to the "rack" of medieval times, and a form of "crucifixion" by spread-eagling against a wooden fence, suspended by wrists and heels, were discovered in operation. The prison commission promptly set to work to devise rules of uniform punishment for control of all camps.

The new rules will go far toward solving the punishment problem in Georgia prisons, in the opinion of all members of the commission.

NEGRO WHO FIRED UPON COBB COUNTY OFFICER IS JAILED

Marietta, Ga., March 20.—Following a chase of several hours in the swamps of Sweetwater creek, near Austell, this afternoon, Jim Bagby, a negro, who, it is alleged, fired five shots at Constable Gordon Bennett, of Powell district, without striking him, was lodged in Cobb county jail tonight by Cobb and Fulton county officers.

Bagby, it is claimed, had several gallons of liquor in a sack when Bennett attempted to arrest him near Austell. The negro fired at the officer and fled.

It was first reported that Bennett was seriously injured, but it was stated here tonight that this was an error.

Chicago Judge Lauds Atlanta Court's Way Of Handling Negroes

High praise of the method of operation of the superior court of Fulton county was given by Judge John P. McGoorty, of Chicago, who was the bench guest of Judge John D. Humphries in open court Friday.

After watching the trial of several cases, Judge McGoorty expressed himself as greatly interested in the manner in which the local court handled all its cases, particularly those involving negroes.

"Contrary to the general impression in the east, where it is thought that the south gives little consideration to negroes as a race," said Judge McGoorty, "I noted with particular interest and great satisfaction the kindly words and gentle manner with which Judge Humphries disposed of cases concerning negroes."

Following the court session, Judge Humphries and Judge McGoorty spent considerable time in the former's chambers, discussing the methods of procedure in their courts.

Judge McGoorty, a native of Ohio, is a former Illinois state legislator from the Chicago district and at one time was Democratic leader of the Illinois house of representatives. He has spent the greater part of his life in Chicago.

IS AN ALDERMAN ABOVE THE LAW?

If not, why should a public apology excuse an alderman of an open and public violation of a city ordinance, a plain drunk? If an ordinary citizen must be hauled up before the mayor in the recorder's court, and be fined for being drunk in the city, or elsewhere, why shouldn't an alderman, who is publicly intoxicated on duty be led out of the same spoon?

Mrs. J. E. Andrews is to be commended for her courage and valor, in exposing rottenness in high places. Her persistance in forcing a show down, in the city council, on account of the recreant officer, largely puts this question up to the public: Is an alderman above and out of reach of the law and immune from prosecution when he condescends to violate the law?

The council in accepting the alderman's apology, reminds us very much of a Colored Convention, which convened in Madison Ga., some years ago—when one of the delegates appeared on the floor in a drunken attitude, and Captain Jackson McHenry, who was a delegate, took him to task for disorderly conduct in open meeting. The erstwhile delegate replied to the good captain in this style: "You see, captain, I is one of dem who made dis law, and all folks who make de law, can break it with punity when dey feels like it." So it appears that since it is the duty of the council to make and enforce the law they can with the same good grace the Colored delegate felt break the law and defy public sentiment, when ever they feel like it. But the public is being outraged and public apology will not answer for the violation of the law, the alderman has sworn to observe and enforce.

The alderman should resign, or take his turn in the recorder's court, like any other violator of the law. If an alderman can escape punishment by making an apology, why should not this same rule apply to every other violator of the law, even unto the murderer, highway robber or burglar.

A deal system of law enforcement is largely responsible for the wave of lawlessness that is sweeping over the country today.

GEORGIA SEEKS RETURN OF LASH TO PRISON CAMP

Medieval Tortures Used on Road-Gang

By JACK METTE, Federated Press.

SAVANNAH, Ga.—(FP)—A strong appeal is being made for the return of the lash in the Georgia road camps. Flogging was abolished in 1925 by the legislature.

Every imaginable substitute punishment has been resorted to by chain gang officials. In one prison camp they tie a prisoner in a shallow box and smear molasses over his face, leaving him powerless to brush away the mass of flies.

In another camp visited by The Federated Press they tie a prisoner with his back to a post, the hands tied just high enough to make him stand on his toes.

In other camps were found stocks such as were used by the Puritans. Some had devised sweat boxes where the convict was locked in a box just large enough to hold him and with one or two holes through which to breathe. When the convict was released from his torture chamber he would be in a state of near collapse and in many cases would have to be carted off to the hospital.

A large number of the prisoners are mere boys often from northern states, picked up for tramping or hoboing and given three to six months at hard labor on the public roads.

Dawson, Ga., News
MAY 4 1926

Justice Speeding Up.

The Columbus Enquirer-Sun notes that "Georgia justice is getting to be more swift and sure," and adds: "It is getting extremely unsafe to commit murder in Georgia. It is getting to be about as unsafe for white people as it has always been for negroes. That is as it should be. A murderer is a murderer, whether he or she be white or black, and all are entitled to the same degree of punishment."

In the past few months four young white men have been electrocuted in Georgia, and ten other white men are under sentence and awaiting the time when they, too, will pass through the little door to the death chamber and to eternity.

There have been more executions of murderers and life sentences for other criminals recently than for a long time. Continued relentlessly throughtout the country, that treatment of the underworld will have a powerful effect in the long run. When criminals finally get the idea that society can be just a little hardboiled itself crime will be reduced.

MAY 4 1926

THE NEGRO AND CRIME.

The Athens Banner-Herald, prefacing an article under the above caption, had this to say: "Statistics show remarkable improvement in the negro race insofar as committing crime is concerned. In fact, the negroes are growing to be more law-abiding citizens and those who have accumulated something and become owners of their homes, seldom have business of a criminal character in the court houses of the country." Not to take up the incidental points in the article reproduced editorially in the Athens daily, we merely venture the assertion that to the work of the Inter-Racial forces much of this good record is due.

Crime-1926 Indiana.

WIN LONG COURT BATTLE

JOHN W. SHAW

ATTORNEY W. S. HENRY ATTORNEY J. K. BROWN

Chicago Defender 2-13-26

Charged with the murder of Helen Hager Whelchel (white) on Nov. 27, 1923, John Shaw of Indianapolis, Ind., aided by two attorneys of his own color, staged a bitter fight against prejudice and injustice that finally resulted in his acquittal Jan. 30, when a jury in the Martinsville, Ind., court brought in a verdict of not guilty. The case had been carried to Martinsville on a change of venue because it had been impossible to secure anything like a fair trial in Indianapolis.

Photo by Patton.

SOUTH BEND

INDIANA

1926

NEGROES TAKE STEPS TO STOP LAWLESSNESS WAVE

ASK APPOINTMENT OF COLORED POLICEMAN.

MURDER CAUSES ACTION

Lonnie D. Hunt, Age 34, of Elkhart, Victim of Murder in Blue Goose Pool Room—Leaders Point Out Escape of Offenders.

The Tribune's Special Service.

ELKHART, Ind., Nov. 9.—Negroes of Elkhart are determined to root out of their community the source of an epidemic of lawlessness which has obtained for a year, and which culminated Saturday night in the murder at the Blue Goose pool room of Lonnie D. Hunt, age 34, by Smith Vaughn.

Appeal for Drastic Steps.

To this end Sunday a series of meetings was held throughout the colored section of the city, and a new appeal has been sent the local police department and city administration to take drastic steps to eliminate lawlessness. A meeting of the Negro Citizens' league was held in the A. M. E. church last night to discuss means of combating local crime. H. F. Smith, head of the Negro Correspondence school here, on Sunday afternoon delivered a talk on general law enforcement at the Colored Methodist Episcopal church.

The Negroes themselves believe criminal acts would quickly cease if offenders were arrested and punished. But they point out that in almost all cases in the last two or three years, including Saturday night's affair, the offender has escaped.

Murder Result of Argument.

The murder Saturday night resulted from a trivial argument. Vaughn, it is said, became enraged when the electric piano, into which he had placed 40 cents, stopped playing before he believed the full number of pieces to which he was entitled, had been played. Hunt is said to have remonstrated, declaring the instrument was functioning as it should.

The police were called but search so far has been unavailing. Hunt's body was found 45 minutes after the shooting, about a block and a half from the pool room.

Leaders among the colored people here point out that in many cases the offenders were never captured.

Ask for Colored Policeman.

During the summer a man named Wilson was stabbed by a Negro who had been in the city only a few days at a barber shop only a few doors from the Blue Goose.

These leaders asked some time ago that a colored policeman be added to the Elkhart force for duty particularly in the colored section. At that time the police commissioners took no action. It is probable, however, according to Chief W. S. Nihart, that they will take up the matter again.

NEGRO WORKERS BAITED BY COPS IN EAST CHICAGO

Promiscuous Arrests Being Made

By JOE PLOTKIN.
(Worker Correspondent)

EAST CHICAGO, Ind., Dec. 13.—Because a few crimes have been committed in which Negroes are said to have been implicated, the East Chicago police have instituted a reign of terror against the Negroes. They have begun to arrest every Negro man, woman and child they meet. No Negro, no matter how law-abiding, is safe from these raiders.

Daily Worker 12-14-26

Denied Rights.

The constitutional rights of those arrested are not considered. They are held unbooked, are denied the right of counsel and held without privilege of communication.

Placed in Filthy Jail.

Many of the innocent arrested are young people and are cast into cold, filthy jails with the lowest types of criminals. The conditions in these holes are unsanitary and men sleep on the flood in herds.

Crime - 1926

Illinois.

JUSTICE

Campbell McCarthy, eighteen-year-old black boy of Chicago is dead. He was hanged by the minions of the law as the sun rose last Friday morning. May God in his infinite wisdom have mercy on his soul. A jury of his peers found McCarthy gulity of murder. Circumstantial evidence pointed the accusing finger at the boy slayer but there were no actual eye witnesses to the homicide. McCarthy walked bravely to the scaffold and threw back his chest as the hangman adjusted the noose and stated that he had made his peace with God—then he dropped into the pit of death. The law thus takes its course and society is satisfied as this ill-fated black boy gives up his ghost. Chicago Whip

One day after the execution of McCarthy, Harry Pietrucka, a white boy, was found guilty of murder and sentenced to spend fourteen years of his life in jail. Pietrucka was convicted on the testimony of eye witnesses who positively identified him as the killer. The state, however, did not insist on the extreme penalty. Pietrucka was only a boy like McCarthy between seventeen and eighteen years of age. He will go to jail, and within a few years will be again imposed upon society. Thus again does the law take its course, and while some men mumble and groan, others grin and leer while time flies on and the Greater Keeper of th Universe looks down upon us. 2-6-26 Chicago Whip 2-6-26

Words do not lie within us to condemn the law. It is the product and experience of wiser men than we are, but we do decry and condemn its application. It should be justly administered. It should punish and protect all who come within its jurisdiction. It should apply equally to the rich and the poor, the strong and the weak, the white and the black. The law in its majesty should be exacting and firm. Why should such patent discrepancies exist as in the cases of McCarthy and Pietrucka?

Neither justification nor excuse can be found. It is unfair and flagrant. Yet some will say that there should be no brief for murder, and so do we; but we further contend that the boy of white skin who commits murder should pay for his crime as did the black boy. Some will say that the whole thing hearkens back to our jury system and will submit in each case the penalty as the jury's finding. We now reach the crux of this terrible state of affairs. It is the jury. The jury is composed of citizens, men from the diversified walks of life who take sacred and solemn oaths that they will follow the law and be guided by the evidence. These jurymen also swear that they will lay aside prejudice, bias and hate, but they cannot. As long as the doctrines of race hatred, bigotry, and hypocricy are held, just so long will such tragedies as the McCarthy case be enacted.

Man's inhumanity to man, man's inherent disrespect for the weak and the humble, and the influence of evil philosophy makes our law empty, our justice a farce, and our religion a travesty on truth.

CONVICTED YOUTH DIES PLEADING INNOCENCE

CHICAGO, Feb. 3—Pleading innocent to the last moment, Campbell McCarthy, 19, colored was hanged in the county jail Friday, for the murder of Christian Getzen, a watchman. Fourteen minutes after the trap was sprung. McCarthy was pronounced dead. St. Louis Argus 2-5-26

McCarthy kept up his courage until the end. "I am at peace with God," he explained.

He slept [illegible] until 4:30 o'clock. He refused his breakfast, with the request: "Give it to Sam Washington, my fellow prisoner. That's the last act of kindness I ever will perform." St. Louis Argus

"Tell my father and mother not to worry about me, for it is well for my soul," McCarthy said in a last statement, dictated to the Rev. T. E. Brown, pastor of the Progressive Church, who came to comfort his last moments.

AND THEY HANGED M'CARTHY

Campbell McCarthy, 19, went to his death on the gallows in Cook county last week. He was hanged for slaying a watchman. He died protesting his innocence of murder—he shot, he said, in self-defense, for the watchman would certainly have shot him. He was convicted on the grounds that he was attempting to rob the watchman. He denied Chicago Defender

this to the last. There were no witnesses, and the watchman is dead—but McCarthy was found guilty —and hanged. 2-6-26

Down at Chester, Ill., alive today and enjoying perfect health, are known gunmen. They have killed deliberately to get what they had not earned. Gene Geary is there—white and insane. Russell Scott, who confessed that he killed a drug clerk in a holdup, is there—white and insane. Others are there, but they are white, and by the same token, are insane. Chicago Defender Illinois.

Over in Joliet prison are Loeb and Leopold, two wealthy, college-bred perverts, who deliberately planned and executed one of the most heinous murders ever recorded. They are well, and are enjoying life as much as two cultured gentlemen can be expected to do under restraints. But the point is that they were not hanged.

In the county jail is one Martin Durkin, said to be responsible for at least three deaths. Betting in Chicago is three to one that he will not be hanged. He probably won't. Joe Holmes and Jack Woods, who murdered a clerk while robbing the Drake hotel, are scheduled to be hanged Friday, Feb. 13. We offer a little wager that they will not be hanged on that date.

Saturday morning, 24 hours after McCarthy was hanged, a jury gave a white youth 14 years for murdering a peddler. Evidence showed that the boy jumped into the wagon and shot this inoffensive old peddler down in cold blood. He then robbed him. But a jury gave him only 14 years.

We could go on indefinitely, citing similar cases to show how the crime situation is handled, but what's the use? Our justice seems to be color blind anyhow, and our laws do not seem to apply to white criminals. With all our law-enforcing agencies, and with the execution of criminals who are not white going ahead regularly, crime is on the increase. And the crime in our Race is increasing proportionately with the increase in crime among white people. One of these days authorities will come to know that crime cannot be stamped out by granting immunity to one class of criminals while enforcing the laws on another. This point will be brought home to them by taxpayers, who will grow tired of maintaining luxurious institutions for the comfort of murderers whose money, influence and race have kept them from the gallows they deserved.

RAGEN'S COLTS AGAIN

To Ragen's Colts, an organization of cut-throats, thugs, gunmen and general outlaws, operating under the name of an athletic club on S. Halsted St., goes the direct credit for the Chicago Race riots. It was the Ragen Colts group that kept the fires of Race hatred at fever pitch for three days. They were members of Ragen's Colts who waylaid women on the streets, abused them, tortured children, and through their propaganda, kept other white people fired with a desire to kill.

These facts were generally known in 1919. They have been known since not only by the average Chicago citizen, but by the policemen and city authorities. And yet nothing has been done to disband this infamous organization. They are allowed to operate, free from police interference by an injunction, and perpetrate their nefarious schemes upon law-abiding citizens of Chicago.

Their most recent atrocity, the luring of a man into the rear of their clubrooms at 5142 Halsted St., and murdering him, is a definite step toward more race troubles in Chicago, and it is Chicago's place to act now. If the members are all morons they should be sent to a state institution provided for morons. If they are not morons they should be treated as all criminals should be treated.

This is no time to temporize with criminals who are intent upon keeping this city's criminal record above normal. Neither can Chicago afford another race clash. The Ragen's Colts serve no good purpose to the city. Their crooked record is not unknown, and the protection they are receiving from the authorities is a reflection upon the repeated assertions that the authorities are trying to clean up the city. This last act is a good example of what to expect from Ragen's Colts. They should be disbanded!

Hoffman Continues to "Low Rate" Memphis

(By Chicago Tribune-The Commercial Appeal Leased Wire).

CHICAGO, April 10.—Life insurance companies have been paying heavily, it is asserted, for a nation-wide reign of lawlessness culminating in 1925 with the worst murder record thus far experienced.

Frederick Hoffman, consulting statistician of the Prudential Insurance Company, has compiled figures which show that the national murder rate per 100,000 population increased from 10.8 per cent in 1924 to 11.1 in 1925. Chicago's rate increased from 17.5 to 18.8 per 100,000, or from 509 deaths in 1924 to 563 in 1925. Twelve other cities experienced a greater number of homicides in proportion to population.

With a murder proportion of 72.3 to each 100,000, Jacksonville, Fla., achieved first place among the cities where human life is becoming increasingly disregarded. Sixty-nine murders occurred last year in this city, with a population of only 95,450.

Memphis, Tenn., took second place with 59 per 100,000 inhabitants. Birmingham, Ala., was third with 54.5 and Tampa, Fla., took fourth with 45.4.

Among cities reporting decreases in the murder rate is Boston, which showed an encouraging drop from 40 to 24 violent deaths. Denver witnessed a decrease of from 32 to 20.

A summary of homicides in 121 cities in the report, having a total population of 32,962,793, showed the killings to number 3,577. Chicago had the largest list of any city. New York City was second with 374.

HOPE DRIVE ON CRIME WILL INCLUDE LYNCHING

Associated Negro Press

CHICAGO, May 12.—Negro leaders throughout the country are sanctioning President Coolidge's exhortation to the newly formed American Vigilantes, "to bend every effort to curb crime and violence," and are hoping that the work of this organization will extend to the crime which places an indelible blot upon the United States, namely that of lynching or mob violence.

The American Vigilantes or National Crime Commission, is endeavoring to enlist the aid of public opinion, federal authority, the governors of the states, and organizations of national scope, all of which Negro leaders point out could be crystallized into an effective agency against lynching and other crimes.

The president wished the commission God-speed in their nation-work, emphasizing speed and urged the members to do everything possible to abolish crime. Among the other national figures who decried criminal conditions in America were Frank O. Lowden, former governor of Illinois, and Joab H. Banton, district attorney of New York County.

The commission was formed as the result of the large number of crimes being committed in the large cities throughout the country, one of the most notable of which was the assassination of Assistant State's Attorney McSwigging, in Chicago.

Nationally known men and women compose the personnel of the Vigilantes, among whom Southerners are conspicuous by their absence. Some of the members are in addition to Mr. Lowden and Mr. Child, Newton D. Baker, Mrs. Richard Derby, daughter of the late Theodore Roosevelt, Charles Evans Hughes, Franklin D. Roosevelt, and Charles S. Deneen.

Negroes Admit Two Murders, 200 Holdups

Persistent questioning by the police yesterday resulted in confessions by two colored criminals that they had robbed from two to five stores every night for six months and that they were guilty of two murders.

The killings solved were those of Morris Dushoff of 600 East 50th place and George Reinhardt, manager of the Sampson Furniture and Supply company store at 3815 South State street.

Dushoff was shot and fatally wounded on April 2 in an Atlantic and Pacific tea store at 534 East 50th street when he failed to raise his hands as quickly as the bandits thought he should. Reinhardt was murdered during a holdup of his company's store on April 23, 1925.

One Robber Shot in Head.

The men who confessed are Arcalous Butts, 2827 South State street, and Oscar L. Quarles, 3527 Grand boulevard. Butts is held at the Woodlawn station and Quarles is at the Bridewell hospital with a bullet wound in his head. He was shot by James Young, manager of the Midway café at 1445 East 60th street, where the pair attempted a holdup on Sunday.

The Stanton avenue police found Quarles in the basement of his home and sent him to the hospital. There he was questioned by Acting Capt. Michael Lahart of the Woodlawn station. Sergts. Dorgan and Hennessy and Lieut. Stevenson of the detective bureau.

Quarles finally admitted that he had been shot in the cafe stickup and named Butts as his companion. When the latter was arrested he readily admitted more than 200 robberies.

Pal Corroborates Confession.

It was not until late yesterday, however, that he confessed the two killings. His admissions were corroborated by Quarles in a statement made to Assistant State's Attorney Harold Levy.

Both men have long police records. Butts was arraigned in the Criminal court in October, 1925, on a charge of larceny and was placed on probation for a year.

More than 200 victims of robberies on the south side viewed Butts and fifty of them identified him. Most of the stickups were of chain stores. The Atlantic and Pacific company had offered a reword of $1,000 for the capture of the killers of Dushoff.

JAIL GUARD HALTS ESCAPE OF 7 CONVICTS

Henry Brown Stops Well Planned Break

Henry Brown, recently appointed guard at the county jail, proved himself a hero early Monday morning when, unarmed, he cowed and drove back into their cells seven desperate criminals who had sawed their way out, assaulted two other guards, and were about to attack a third in a well planned jail break, if carried through, would have turned hundreds of vicious criminals upon the streets of Chicago.

When the break was staged Guard E. L. Weens, another Race man appointed to the office, on duty on the second tier of the jail, and Guard Brown on the first tier heard the order, "Now let's get the guards on the lower tiers."

Guard Weens rushed down to the jail office to spread the alarm, while Brown dashed up to the third tier. He had no weapon, but he had nerve and courage. He fastened his eyes upon the criminals and with hand upon an empty hip pocket shouted: "Get back into your cells or I'll fill you full of holes!"

Prisoners Cowed

The prisoners dropped their improvised blackjacks and clubs of sawed off steel bars and made for their cells. The prisoners were Daniel McGeohegan, Henry Fernekes, both under sentences for murder in connection with a robbery; Gus Peterson, Mathew Siewert, Angelo Coggiano and William Livinston, held in heavy bonds on robbery charges.

This tribute was paid to Brown's bravery in an editorial in one of the daily papers:

"The act of Brown was such as marked the beginning of a new morale among jail guards—a higher understanding of duty and a pride in performing it promptly and fearlessly."

Brown Rewarded

As a reward for Brown's courage Jail Warden Weideling has recommended his appointment to the post of assistant jail superintendent. The sentiment of Chicago citizens was expressed in a letter written to The Chicago Defender by a Loop banker. The letter follows:

I have read a remarkable story appearing in the daily ppers regarding the admirable and brave conduct of a Colored guard in the county jail in compelling three men sentenced to death and three others to long terms of imprisonment to retreat to their cells last Sunday night.

I have thought of the immense damage which would have been done at this time had not this man displayed such remarkable courage in the face of almost certain death, and in so acting prevented eight or nine hundred desperate criminals being turned loose on the streets of Chicago.

This guard, whose name was mentioned in the papers as Henry Brown, should have some reward for his bravery.

I inclose you herewith my check for $25 for him, which should be a starter for others to increase this sum.

I congratulate the Colored race on having a man of this stamp.

The letter was signed by William B. Austin. Mr. Austin is a mortgage and bond broker with offices at 11 S. LaSalle St.

Crime—1926. Illinois.

WHERE THE JAIL DIVIDES

It isn't so much what you do these days. It's who you are, and the color of your skin. And even if you are lucky enough to come through the trial with less than the maximum penalty for the smallest offense, your real trouble starts when the jailer sees you. That, at least, is the experience of those unfortunate enough to get into trouble in Cook county.

Illinois is fast becoming the crime capital of America. White criminals flock here to carry out their nefarious practices, and have become so successful in evading the law that the reputation of their prowess has spread far and wide. But, to balance the score, it seems that Cook county law enforcers have hit upon a plan whereby any member of our Race is liable for the crimes of his white criminal partner. We are now placed in a Jim Crow jail and given to understand that we are being detained as a punishment while the white man is made a sort of jail guest of honor with the tax-paid officials the hosts. Numerous cases have been discovered where white criminals charged with serious offenses have been given every courtesy generally accorded a distinguished visitor at the county jail, while rumors of torture to prisoners of our Race not infrequently leak out from that institution.

This kind of penal code serves but one purpose—encourages crime among those who compose the major part of our population. Pampering the white criminal at the expense of any other criminal does not serve the purpose for which jails are maintained and do not react to the advantage of the community in which this practice prevails. The sooner Cook county authorities learn this, the sooner will our crime wave diminish among all classes.

NEGRO CONGRESS HERE MAKES STRONG PROTEST AGAINST POLICE RAIDS

Strong protest against the indiscriminate arrests of Negroes and wholesale raids on homes and places of business in Negro districts by Chicago police was registered by the Chicago branch of the American Negro Congress at its meeting Sunday. The police raid staged last Wednesday on the south side in which some 500 were arrested as "suspects" in the slaying of a policeman, and in which homes were broken into and other outrages committed, prompted the action of the congress.

A resolution was drawn condemning the action of the police department in this raid and similar ones and demanding that such conduct cease. Copies of the resolution, together with a strong letter from the organization, are to be sent to the mayor, police chief and councilmen.

Wednesday's raid on the south side was one of the most vicious committed by the police here and city-wide protest has been made against such tactics.

Crime - 1926

Kentucky

FEBRUARY 10, 1926

Sauce for the Gander Also

To the Editor of The World:

To-day the press records the interesting case of a Negro in Kentucky who was convicted of an assault on a woman and sentenced to death. The trial lasted only sixteen minutes. This is a splendid instance of speedy justice. But it is interesting to speculate on how long the trial would have lasted had the criminal been a white man.

From the history of recent trials it is not difficult to guess what would have happened. The trial would drag along for weeks and months while expenses, which must come from the taxpayers' pockets, piled up. High-salaried psychologists and criminologists would spend weeks showing that the crime was not entirely the fault of the murderer, but that environment, heredity, &c., were largely responsible. And so on, ad infinitum. And in the end the murderer would probably escape the death penalty.

Is the Negro criminal ever accorded a trial like that? No. But why not? Admittedly the Negro is intellectually inferior to the white man. Hence he is less responsible for his crimes and should receive more serious consideration before being sent to the gallows or to the electric chair. The sixteen-minute trial is certainly commendable. But why not a few trials of that type of white murderers whose guilt is just as apparent as was the Negro's?

ANDRE SENNWALD.

New York, Feb. 4.

PRISON TERM OF TWO YEARS GIVEN 'FAKE INVENTOR'

Louisville Confidence Man Who Raised Government Check Is Sentenced

LOUISVILLE, Ky., April 7.—John M. Kerr, "fake inventor," who swindled thousands out of their life savings by vivid pictures of wealth they would some day realize if they invested in a mail sorter invented by him, was sentenced to the federal penitentiary in Atlanta for two years here last wee

Chicago Whip 4-10-26

Kerr was specifically charged with tampering with a government check. The check, issued in refund of an over amount Kerr paid for patent service, had been raised from its original face value of a few cents to read $73,000.

U. S. Treasury Check As Lure

Kerr's scheme, according to the agents, was to exhibit United States treasury check for $73,000, which was found on him, and claim that it had been given to him for his "invention."

Armed with this check, he would go about among gullible people of means and tell them of his supposed brilliant achievement. At the psychological moment, after painting a lurid picture of success, wealth and fame in the immediate future, he would usually observe that he needed a little money to hasten the consummation of his success, and with the assurance that any bread cast upon his waters would be returned to the caster a hundred fold, would request a loan. Some, the more canny, would refuse, but for the majority, only the sight of the $73,000 check was necessary to convince them that the impostor was worthy, and that untold wealth was immediately in the offing.

Secret Service Men Bare Fraud

But Kerr had sought to reckon without his host. United States secret service agents, hearing of the man with the $73,000 check he had received from the government for his invention, and being aware that the government never buys such inventions, became suspicious that all was not legitimate in the deal.

Chicago, Ill.

White Man Blacks Face To Pull Trick In Madisonville

This May Not Be Case In Fleming-Bard Affair, But Draw Your Own Conclusion

Madisonville, Ky., July 28.—The white paper of this town prints the following. It shows the caliber and character of a certain class of white people.

Here is a white man, according to this white paper who wants to help certain white women toe scape from jail and he Blacks his face so as to look like a Negro.

How about Fleming and Bard sentenced to die for alleged rape of a white girl? Who knows but they are innocent?

Read this article and think it over.

A white Madisonville paper says:

Leslie Capps, Dawson Springs County, charged with aiding and assisting in a jail delivery by smuggling a jack saw into the county jail, was held under $500 bond to await the action of the September grand jury by County Judge J. L. Hughett, who conducted his primary hearing Tuesday morning. Charles G. Franklin, attorney for Capps, introduced no evidence.

Capps, who is charged with aiding Lonna Barnes, Florine Blachard and Mary Ellen Vazelle, women prisoners, to escape jail last Thursday night, executed the required bond with L. W. Hancock and Preston Lamb as sureties. The penalty on conviction is from 1 to 5 years imprisonment.

Lonna Barnes, who is being held on a grand larency charge, was the star witness for the commonwealth. She testified Capps, while he was a visitor at the jail on June 27 informed her he would aid her to escape and that he would bring her a saw. She said on Monday night, July 5, about midnight or 1 a. m. Capps awoke her by whistling and she went to the west side of the second floor of the jail where she was quartered.

Had Force Blocked

She said she saw Capps on a ladder in the passageway between the jail and the City Feed Store with his face blacked. He wore a black hat, overalls and blue shirt and after a brief conversation gave her a hacksaw. The witness stated she, Florine Blachard and Mary Ellen Vazelle did the sawing. No mention was made of Rosie Harris, the fourth woman prisoner to escape, having aided in sawing the iron window bar. She said she had known Capps about three months.

Mary Ellen Vazelle testified she heard the conversation between Capps and the Barnes woman and that she saw the defendant give the saw to the woman. She also testified his face was blackened.

Florine Blachard testified she was asleep when Capps is alleged to have smuggled the saw int othe jail. She did not know how the saw got into the jail and first knowledge she had of it was on the following morning when Mrs. Barnes informed her she had a saw. She stated the Barnes woman did not tell her while they were out of jail where she obtained the saw.

Louisville, Ky. 7-31-26

THE CRIME WAVE.

Good citizens, generally, will thank the administration for its evident intention of cleaning up crime and vice.

The investigation into graft on the part of police officers, the devotion of certain members of the police force strike the average citizen as sincere.

Good Colored citizens in particular, will be glad if the administration takes a hand. Toolong has it appeared as if the "bad Negro" was all that counted with the leaders of the party. The church going Negro, the selfrespecting, hard working Negro has heretofore seemed not to count.. But if he rebels, if he leaves the party, it will be found the fighting, boisterous, crap shooting Negro is a minority—a small minority. So we hope Republican leaders will regard the Negro that counts more. Some weeks ago a number of Colored pastors and others, vitally interested in the welfare of the city appeared before the Board of Safety and described conditions, especially in the Black Belt—but little, if anything, was done. It remained for Dr. Roy Carter, Corner, to rouse the Board of Public Safety, when Dr. Carter told the Board about the number of homicides—the right name is "murders," then the Board got busy.

They reduced Staley, the officer who killed Gassaway it is said, and if is true, we thank them. They demoted others particularly distasteful to Colored people,—and white people.

If Louisville can be made safe for people to live in, it will be due to the Republican party and the Republicans will get the credit. But if a man is afraid to go home at night, if the bullly, the pimp, the bootlegger is to have full sway, the Republican party in Louisville is doomed. We ask that Republican city officials, that Democratic State officials, that officials whether Democrat or Republican pay more attention to the "goody-goody Negro"—Negro that works and goes to church and lodge and tries to be "something." If there is a "crme wave" it is because the underworld—both white and black—thinks it counts more than the element that wants the best thing.

If there's a clean-up, Clean 'em All up, no favorites and Louisville will be worth while.

If the underworld had not been put on a pedestal eight years ago there would be no **crime-wave now**!

Crime-1926

Louisiana.

Negroes Lead In Murders

New Orleans, La., Jan. 13 (ANP)—This city's record for homicides for the year just ended, with 135 were Negroes, according to a report issued by the coroner.

NEW ORLEANS PRISONER SLAIN

New Orleans, La.—Authentic information has been given over the city of the horrible killing of Andrew Johnson, Negro, who was recently murdered at the state penitentiary at Angola, La. Johnson is said to have been beaten to death by one of the prison deputies and his body buried without notice to his family. Johnson was convicted and found guilty without capital punishment of the murder of Patrolman Frank Mahen of the police force. The case was given much publicity through columns of The Houston Informer, giving Johnson's personal statement, made to his pastor while confined in prison and during the trial. The Informer was instrumental in raising funds for his defense by appeal and publicity given in an effort to secure funds. J. Rosenberg, attorney, ably defended Johnson and possibly saved him from the gallows.

Patrolman Mahen and Detective Asset were in the Carrollton district, February 5, 1926, in a police automobile in search of suspicious characters, it is elleged, when they ran upon Johnson. They invited him to get in the car, apparently, for a lift to his destination. When he attempted to jump out, Patrolman Mahen grabbed him, according to police statement, and Johnson pulled a gun and shot the policeman. The statement given by Johnson to his pastor while incarcerated, was to the effect that he thought he was being held up, as he had a large sum of money on his person, and thought only to protect himself. He never knew they were officers until after the shooting and his arrest. Though Attorney Rosenberg was successful in saving him from the hangman's noose, his life was taken by the prison deputy.

MURDERS FOR FRIVOLOUS CAUSES AMONG CERTAIN CLASS OF COLORED PEOPLE CONTINUE TO INCREASE

Police Records Show There Are More Killings Practiced Upon Colored People of New Orleans by Colored People Themselves Than Yearly Lynchings

It is disgusting to the substantial law-abiding colored citizenry of New Orleans to see that, despite the churches, the schools, the Y. M. C. A., and the good example set by the better element of our group, yet there is a certain class of colored people in this city who continue to kill and murder each other upon the most silly and frivolous pretext; and thus, in a menner, destroy the good record which the thrifty, progressive colored people here are making.

It is scarcely possible to read a paper through without noting some account of where two Negroes got into an argument over a dime, which resulted in the one killing the other or both, for no greater cause—or that some man enters his home and because his wife failed to have supper ready, an argument is begun, resulting in the murder of one or both over a meal of victuals—or where a woman, being upbraided by her husband or sweetheart for talking with, or being in company with, another man, an argument is started, resulting in the serious wounding or killing of one or both—or where a colored man is found dead, and after investigation, it is proven that he was killed by one of his own kind over an argument that could have easily been forgotten—or where because a man called a woman some ugly name, or vice versa, either the one or both are seriously wounded by being stabbed or shot to death—or some man, losing in a gambling game, begins an argument, resulting in murder.

The sad thing about these murders by colored people themselves, among themselves, is that nine out of every ten are committed for causes that amount to no more than an impulse to inflict punishment, one against the other, just simply because they cannot think and see how easily a silly argument could be passed up—and forgotten within the hour.

It seems that there are a class among our groups, who feel that they will have very little trouble getting out of a murder scrape when they kill one of their own, and, consequently, they are lead to kill more readily for the least cause.

If it has been customary for the authorities to show undue leniency to colored men and women who kill one another without sufficient cause, and, in many instances, in cold blood, it is wrong—every man or woman, white or black, who wilfully, or without justifiable cause, kills another, shoulld be judged according to the law and receive adequate punishment or else how can unnecessary crime ever be stopped?

It is for the protection of those colored people who are respectable and law-abiding that these willful killers should be given the full extent of the law.

It is found that there are more colored people murdered in New Orleans by colored people, than by the total lynching of any one year.

This is ridiculous—and shameful. Many a colored man and woman are killed in cold blood by their own kind, simply because the killer labors under the impression that he can go free after a little dickering with lawyers, etc.

However this may be, one thing we know, and that is, there are too many unnecessary killings among colored people here, and something should be done about it.

The Voice advises those who would kill without a justifiable cause to consider that the other fellow's life is just as sweet to him—and to send a man into eternity in the twinkling of an eye, just because you have the impulse to do so, or because you feel that you will not be hanged for your crime, is a terrible thing; and sooner or later it will come home to you.

Crime-1926

Maryland.

Baltimore's Crime Records

In commenting on the fact that although the colored population of Baltimore is about 15 per cent it furnished 68 per cent of murders committed in this city in 1925, Director James M. Hepbron of the Criminal Justice Commission, told the Douglass High school evening class in journalism Thursday evening that these figures were far from indicating any preponderance of criminal tendencies Among Negroes.

A similar group of whites of any other race placed in the same circumstances and environment would react the same way, he said. Records he explained, show that more women than men are struck by lightning. but is only because more men are exposed to lightning than women and not that lightning has any peculiar desire to strike men.

In summing up the matter in the last report of the Criminal Justice Commission and pointing out the difference between Baltimore and some Canadian cities, Montreal for instance, with a population of 618,000 which had only four murders in 1925 as against 57 for Baltimore it states:

'But the real answer is not the Negro. The real answer over most of the United States is the failure of the police and the courts. In Baltimore the courts are efficient and quick. But although the police record has improved it is far from perfect. In 84 per cent of the murder cases there were arrests, but only in 22 per cent of the burglary cases. Three out of four burglars got away without being caught.

This report which received wide editorial notice in the **World's Work** magazine, also calls attention to the improvements being made as a result of more prompt arrests and speedy trials.

One thing, however, which the report fails to point out fully is the fact that here in Baltimore the Negro group is at a disadvantage in all the fundamental crime reducing agencies. As Clarence Darrow pointed out in a recent address here, there is a direct relation between and poverty and crime and as segregation and discrimination here in Baltimore crowd the race out of many sources of employment and into a corner of less remunerative vocations the enevitable outcome is to expose them more to crime conditions.

But even with this no Whittemore of the cool, calculating desperado type was produced by the group last year. Ralph Matthews, court reporter for this paper, who has been present at every murder trial here in 1925, states that all of them resulted from "passion" or situations growing out of common law marriages.

None of these murders was premeditated. Yet the courts have come to condone common law marriages among our group by failure to punish them properly.

Perhaps the Criminal Justice Commission would do well to make some detailed study to his question of the law's failure to curb the evil out of which probably 75 per cent of the murders grow.

Crime-1926

Massachusetts.

BOSTON MEN URGE WIDE CRIME STUDY

Chamber of Commerce Proposes State Commission to Deal With the Problem.

SUGGESTS AID BY CITIZENS

Committee Report Says Need Is for Better Administration Rather Than More Laws.

DENIES REAL "CRIME WAVE"

Endorses Proposal for a Single Police Force for the Entire Boston Area.

Special to The New York Times.

BOSTON, Mass., Feb. 28.—Pointing to a material increase of serious crimes in Massachusetts, a report of the Committee on Municipal and Metropolitan Affairs of the Boston Chamber of Commerce recommends that the Legislature establish a commission to investigate the problem, that proposed changes in laws be referred to the Judicial Council and that the commission consider the advisability of organizing a citizens' association on criminal administration. The report is based on a careful examination of the crime problem by a sub-committee headed by Albert M. Chandler.

In undertaking this study the directors of the Chamber say they believe the activity of criminals is a menace to life and property. They hold that crime directly affects the business man even more than the ordinary citizen; that it causes a huge economic loss throughout the country every year, and that it challenges the civil self-respect of every community.

"The indirect result of a prevalence of crime or a lax administration of justice is to lower the reputation of city and State," says the report. "It affects our business as well as our civic standing in the country. A lawless reputation is a serious liability.

"Because of this feeling by the Chamber of Commerce that crime can be diminished in Massachusetts by proper treatment, and that a consistently efficient administration of justice can be assured, the study has been undertaken in an efforts to find the best method to this end.

"This report is offered not as a panacea, but as a constructive statement of the proposals to correct our crime problem."

Approved By the Chamber.

The report of the committee and its recommendations, which have been approved by the Executive Committee and Board of Directors of the Chamber, are in part as follows:

"The problem of crime, and the treatment of criminals is one which continuously confronts society. At times the problem becomes more acute and demands the serious consideration of our citizens.

"Today in Massachusetts the Governor, the Judicial Council, the Attorney General, the Registrar of Motor Vehicles and many others, have called attention to an increase of crime within our borders and have made many suggestions as to how to deal with the situation. Massachuse is not peculiar in this respect, as we find that throughout the country there exists a similar increase of crime and many commissions are engaged in a study of the crime problem.

"The committee feels that the conditionsin Massachusetts are much better than in some other parts of the country, but it does feel that there has been a material increase in crime, especially of a serious character. In considering statistics it must be borne in mind that at the present time the iumber of crimes committed are not tabulated. Records are kept only of actual arrests and of cases brought into court. Although the number of arrests for serious crimes has not materially increased, neverthless, it is the concensus of opinion that the number of serious crimes committed has increased to a considerable degree.

'No hasty or ill-advised action should be taken, but the situation demands most careful consideration and merits such action as may seem best fitted to lessen crime and to protect society from those persons inclined to break its laws.

Calls Problem Four-fold.

"The problem is four-fold; the prevention of the criminal, the apprehension of the criminal, the prosecution of the criminal and the punishment of the criminal.

"The prevention of the criminal involves the education of the child in the home, in the school ,and in the church. The apprehension of the criminal requires an efficent police organization. The prosecution of the criminal should be under a system of procedure free from improper influences and free from technicalities and delays, except such as will reasonably protect the rights of persons accused of crime. The punishment of the criminal involves such a wise disposition as will protect society as a whole, deter potential criminals and assist in the reformation of the criminal.

"The committee strongly believes that their real solution of the crime problem lies in the education of the coming generation. While crime always has existed, and always will exist, a strong and continuing public sentiment for a high standard of respect for law by all classes of the community, both young and old, will materially assist in reducing the criminal element in the community. Careful training in the home and school should bring our citizens to a better appreciation of their responsibilities.

"The increasing complexity of our civilization has caused many social problems, but it has also given us more exact and effective remedies for these conditions. The criminal is often the social and economic misfit. We should make better use of such aids as psychological examinations and vocational guidance.

Calls for Stronger Administration.

"These observations refer to a more distant objective. The treatment of the present problem is dealt with in the following discussion. A stronger administration, together with certain amendments in our statutes, must constitute our present agencies for the prevention of crime, in so far as it is preventable.

"The apprehension of the criminal requires an efficient police force. The committee believes that the suggestion of the Attorney General for a metropolitan police in place of the pre large number of separate poli should be given careful co ion by the commission on crime hereinafter recommended, or by some similar body. Under existing arrangements there is no proper coordination of effort among the forty communities of the district.

"This proposal is made for the convenience of the outside cities even more than for Boston. The proposed metropolitan force would benefit the whole district. It is by no means an encroachment by the City of Boston. It would establish a district police force under the supervision of a commission chosen by the Governor, with the costs apportioned according to the service rendered.

"The Attorney General also suggests cooperation with police agencies throughout the country, so that the records of criminals could be carefully compiled and rendered available through a central agency. This would be of direct assistance.

"The committee believes that improvement should be sought by an improved administration rather than by additional laws and is opposed to the limitation on the judiciary suggested by proposed bills. To this end it suggests that an association on criminal administration, as later described, be established to discourage administrative indiscretion or abuse.

Special Commission Proposed.

"The Attorney General and other have recommended the creation by th legislature of a comprehensive com mission on crime, composed of repre sentative citizens, to investigate fully the facts in all phases of the crime problem and report its recommendations thereon.

"Such a commission would probably not be a continuing body and could perform a valuable service at the present time. We have already suggested that several proposed changes should be referred to the commission. The committee believes that a commission which would investigate the whole problem of crime, its cause and prevention, would serve a valuable function. We strongly support the creation of a special commission on crime.

"We strongly recommend that the commission on crime consider the advisability of an association on criminal administration to be formed by private citizens for the improvement of criminal administration.

"The committee on municipal and metropolitan affairs summarizes its findings:

"Although there is no real 'crime wave,' there is a situation which warrants unusual study and attention.

"The improvement should be sought in a consistently better administration rather than by additional and drastic legislation."

Crime—1926

Michigan.

Wearing a Black Mask

(From the Detroit Independent.)

All who wear dark faces are not Negroes; some are white men in disguise. A few days ago, for example, four policemen of Detroit disguising themselves as Negroes, gained entrance into a gambling resort and played in a dice game for fifteen minutes before revealing their identity by wiping the burned cork from their hands and faces.

White men disguised in this fashion find it equally easy to commit highway robberies, murders, burglary, and assault on women, and shift the suspicion on Negroes. Policemen with blackened faces may find it easy at times to apprehend colored lawbreakers, but it is a dangerous precedent by which many white youths with criminal proclivities might be led to commit crime and escape detection by hiding behind a black mask.

The very fact that Detroit policemen should deem it necessary to darken their faces in order to make certain arrests, is conclusive evidence that we have too few colored policemen and detectives on the local police force. Why use the artificial, when the genuine is available? The Detroit Police Department would not for a moment permit a local police officer to disguise in female attire and mingle intimately with unsuspecting women of the community, as a means of detecting women offenders. Such a job would be assigned to competent policewomen. Policemen with dark faces are all right and we need more of them, but we want them to be the genuine article. There are too many white men masquerading behind black faces. A few years ago, for instance, a double murder was committed in Holly Springs, Miss., by a man with a black face. In fleeing from the scene of the murder, the criminal was so closely pursued that he blew out his brains to escape capture. The murderer proved to be one of the prominent white men of the town, who had disguised himself as a Negro.

Detroit Aroused at Wanton Murders by City Policemen

Detroit, Mich., Sept. 10.—Beginning with the killing of Robert Brown, Jan. 23, 1925, by a patrolman attached to the Metropolitan police department of Detroit, there has been an orgy of murder in the Detroit police department that is unparalleled anywhere in America.

Paul Dennie, who is chairman of the Constitutional league, has been conducting an investigation of the activities of the Ku Klux Klan in Detroit and during the course of his survey, learned that the Klan had an unusually large representation in the police department.

Prior to the election of the present liberal administration, which is headed by John W. Smith as mayor of Detroit, the police commissioner was known to have inserted advertisements in southern newspapers for men to qualify for the Detroit police department. In addition to the foregoing, southerners were given preference over northern men who applied to the department for membership on the force.

Since Mayor Smith's induction into office, nearly two hundred southerners have bee dismissed fom the police department and an order was recently issued that no more applicants of southern birth be admitted to the department.

While over fifty persons have been killed by policemen in Detroit, including two women, one of them giving birth to a child an hour before her death from a gunshot wound, the prosecutor's office hastens to exonerate each policeman so that he can promptly get back on his beat.

Many Murders

Some of the most notable killings include Lillie Smith, killed while riding in her husband's truck; Gertrude Russian, beaten into a state of homicidal mania by arresting officers. She drew a pocket knife from her apron pocket and stabbed at one of the officers, which so enraged them that they drove the police car around the corner and calmly proceeded to empty their revolvers into her body. John Panky, married and father, was killed while returning home from work. He had just left the night shift at Ford's and a patrolman hailed him, ordering him to throw up his hands. Panky was disconcerted by the unusual hail and hesitated. The patrolman promptly shot him down. Panky was unarmed. Marcus Lawhorn was killed by an arresting officer, who claimed Lawhorn reached for his hip pocket. Lawhorn was unarmed. Gilbert Finch was killed by a patrolman who alleged he reached for his hip pocket. Finch was unarmed and was returning home from the Ford plant where he was employed. Bertram Johnson, an unarmed tailor, was shot by an officer for expostulating with the officers over their illegal entry into a friend's soft drink parlor. One officer held Johnson while the other held a revolver to his neck and fired. George Sims was shot by Patrolman Peter Scally, while standing talking to a friend about the loan of a horse and wagon belonging to the latter. John Murphy, a plumber, returning to work after his luncheon, was shot down by a patrolman. Leonidas Matthews was shot through a window by a patrolman. Matthews was in the act of closing his window after having driven away some white thugs who attempted to force their way into the home of a woman neighbor.

None Was Armed

A peculiar feature of these killings is the fact that the officers invariably allege that the victim was reaching for a pistol, yet most of the deceased were unarmed.

It is planned to hold a memorial mass meeting for these victims of police brutality, in an effort to arouse public sentiment against these unnecessary killings. The Constitutional league is making a desperate fight to expose the prejudice, which is so apparent in the department, but to date not a single daily has even commented on the conditions.

Crime-1926.

Mississippi.

MISSISSIPPI NEGRO GIVEN LIFE FOR MURDER; REPORTERS FREED

Jury Returns Verdict of Guilty in Case of Jesse Favre For Death of Government Man; Judge Notifies Newspapermen No Action Will Be Taken For Defying Court Order

Advertiser 3-11-26 Montgomery Ala.

HANCOCK COURT ROOM, BAY ST. LOUIS, MISS., March 10.—(AP).—Decisions that Jesse Favre should spend the rest of his life in the penitentiary and that no newspaper representative should be held in contempt for having published or caused to be published testimony developed in the trial were made here late today within a few minutes of each other.

Favre was declared guilty of the murder of J. A. McLemore with an announcement from the jury that the members were unable to agree on the punishment to be fixed. Under the Mississippi law this automatically resulted in a sentence of life imprisonment.

After the Favre case was disposed of Judge Walter A. White, who issued an order before the trial began that newspapers having a circulation in Hancock county should refrain from publishing testimony, announced that the question of liberty of the press could not properly be determined by a test of newspapers' disregard of his order since anticipated cases had not developed.

"When the order was made against the publication in Hancock county of the testimony in the Jesse Favre case" said Judge White, "it was confidently expected that at least one other indictment and trial for the same crime when under investigation would follow at the present term of court and I anticipated great difficulty in securing a fair and impartial jury in any event.

Order Issued As Precaution.

"It was manifest that if the testimony in the Favre case should be published throughout the county it would be practically impossible to secure such a jury to try a second case and in all probability a serios obstacle, if not a miscarriage, of justice would result from such a publication. The order entered on the minutes of the court gave notice to the press of the necessity to refrain from broadcasting this testimony throughout Hancock county.

"It happened however, that no other indictment was returned and it has now developed that the necessity for the order was apparent rather than real and hence no actual wrong to the public was resulted from the disregard by the press of that order.

"The question whether the constitutional guaranty of liberty of the press is broad enough in its scope to include the right of newspapers to knowingly and purposely obstruct the orderly administration by the courts of the criminal laws of the country, through the unnecessary publication of certain portions, is a question of immense importance to the public. It is one, however that should be adjudicated only in a case where the right of the public to have the laws properly administered has been actually abridged. That situation has not yet arisen here."

Deliberated Three Hours.

Favre's case was given to the jury at 12:05 o'clock and a verdict was returned at 3:18 o'clock. The only question apparently for consideration of the jury was the degree of punishment, as Favre's attorney, C. B. Adams appointed by the court, asked only that the defendant's life be spared. The defense was that Favre is a mental defective with the mind of a child of three to six years and his attorney urged that he be confined for life in the penitentiary or a hospital for the insane.

The state, through District Attorney R. C. Cowan, charged that the defendant was responsible and should be hanged.

Judge White before passing sentence asked Mr. Adam if he had any motion to make.

"None, your honor," replied the lawyer, "except that he be sentenced and taken at once to the penitentiary where he belongs."

Judge White in passing sentence told Favre that the court was convinced of his guilt and thought that he should be thankful that he had escaped the supreme penalty.

Admits Verdict "All Right"

Questioned after sentence had been passed, Favre said that the verdict was "all right."

"I would just as soon be there as anywhere else," he said when asked what he thought about going to the penitentiary for life.

"What if the verdict had been to hang you?" he was asked.

"That would have been all right," he answered.

Favre was indicted on a charge of murder in connection with the slaying of John A. McLemore and William M. Mingree, federal entomologists stationed at Picayune, Miss., who were killed February 18 in the Pearl river swamps near Picayune, while hunting turkeys. The case just concluded however was on an indictment charging the murder of McLemore.

Favre was arrested two days after the discovery of the bodies of the slain men. When arrested he had in his possession property of the two slain men, was wearing the shoes of one and part of the clothing of the other.

Favre made a number of statements in which he charged that the jewelry and clothing of McLemore and Mingee, found in his possession was given him by "Doc" Jackson, who had ordered him to drive the automobile truck, in which the entomologists rode to the swamps, to Hattiesburg.

Told Conflicting Stories.

On the witness stand Favre testified that he saw Jackson shoot both men and then brought out from the swamps the articles later found in possession of the defendant and ordered him with threats to drive away. The state contended that Favre shot McLemore and Mingee with robbery as the motive.

The defense set up that Favre was mentally defective.

Jackson was arrested shortly after Favre was taken into custody. Favre was confined in jail at New Orleans and Pascagoula before being brought to Bay St. Louis for trial and a portion of the time Jackson was in jail at Gulfport a company of the Mississippi national guard was on duty to protect the jail against possible assault.

No officer of the court here today could say what, if anything, will be done to detain Jackson. Since the grand jury went into recess without returning an indictment there is no charge against him here. He was brought to jail here yesterday from Gulfport when it was thought possible that he might be used as a witness at the trial of Favre.

GETS LIFE SENTENCE.

Negro Convicted of Murder—Chicken Thief Given Two Years.

Commercial Appeal 3-19-26 Memphis Tenn.

M'COMB, Miss., March 18.—Charlie Brister, Pike County negro, convicted of the murder of another negro named Vezant, at Osyka, several months ago, was given a life sentence in the state penitentiary by Judge Simmons today in the circuit court.

Sonny Wall, a white man, who lives near Chatawa and who was convicted on a charge of stealing 110 chickens, was sentenced to serve two years in the penitentiary. Aaron Elzy, a negro, convicted on the charge of shooting another negro, was sentenced to serve seven years in the penitentiary.

Dolan Blade, Luther East and Hobart Smith, all residents of Louisiana, were convicted on a charge of petty larceny and sentenced to serve four months on the county farm. Several months ago these boys robbed several stores in McComb.

James Jarvis, a McComb boy, was sentenced to serve four months on the county farm after being convicted on a charge of robbing the L. Z. Dickey Wholesale Company. The case of Willie Wilkerson of this city charged with the shooting of a negro woman, has been postponed until the next term of court.

NEGRO SLAYER PAYS PENALTY FOR CRIME

Aubrey Brown Goes to Gallows at Holly Springs.

Commercial Appeal 4-17-26 Memphis Tenn.

HOLLY SPRINGS, Miss., April 16.—Aubrey Brown, convicted negro, murderer, was legally executed today at the county jail to satisfy the mandate of the courts of the State of Mississippi. Sheriff R. D. Ford sprung the trap shortly after 11 o'clock, and the negro was pronounced dead by Drs. Ira B. [illegible] and [illegible] E. Miller in 18 minutes thereafter. The execution was private in accordance with the laws of the state, the scaffold being inclosed and none were admitted except the county officials, physicians and those entitled by law to be present.

The crime for which Aubrey Brown paid the death penalty was an unusually brutal one. J. L. Pate, an aged white man, residing near Mount Pleasant, was found dead in his little roadside store with his head beaten to a pulp and evidence that he had been killed with an ax. The motive was supposed to have been robbery. After some months the negro was apprehended and captured in Memphis and brought here to trial. He was convicted and the attorneys appointed to defend him by the court appealed to the supreme court, where the verdict was affirmed. The supreme court fixing the date of execution for this date. Brown made several statements about the crime, which were conflicting; but confessed to his part in it and attempted to implicate others with him. He was composed to the end and never seemed to lose his nerve and went to his death stolidly.

NEW TRIAL GRANTED TO TORTURED NEGRO

Constitution 11-16-26 Atlanta, Ga.

Jackson, Miss., November 15.—(AP) The Mississippi supreme court today granted John Fisher, Coahoma county negro, a new trial because the Coahoma circuit court had permitted the introduction of a confession extorted from the man by torture.

In granting the new trial, the supreme court denounced the practice of pouring water up the nose of a man to obtain a confession.

Fisher was sentenced to be hanged for the murder of Grover C. Nicholas, a white man.

ITEM
NEW ORLEANS, LA.

OCT 15 1926

"The Third Degree"

MISSISSIPPI'S Supreme Court grants a new trial to a negro under death sentence for murder. Two confessions, signed by the accused, were offered at the trial. On the stand, however, he swore that he did not do the murder and that he was whipped to force him to sign the confessions. The sheriff admitted that the negro had been beaten by another but explained that it was customary for the prisoners to "initiate" new prisoners by whipping them. It was also brought out that the negro had not been warned that the confessions would be used against him. These things caused the Supreme Court to grant the new trial.

We congratulate the justices. Their act proclaims that Mississippi's highest court is concerned to assure justice and the protection of the law for even the poorest and most ignorant of those accused of crime. Torture is a reprehensible practice anywhere and any time. It is especially reprehensible when used upon the ignorant and the friendless.

Crime-1926.

LEADERS ORGANIZE TO COMBAT HIGH RATE OF HOMICIDE AMONG RACE

Politics Blamed For The Increase In Slayings. Leniency Of The Law On The Criminal Is Scored

WILL INVESTIGATE TO FIND WAY TO OVERCOME

Housing Conditions And The Influx Of New Comers Out Of The South Among Other Causes Named

The rapid rate of homicides among the 90,000 colored citizens of St. Louis, which has reached fifty-one already during the present year, was charged last to leniency shown criminals, because of the desire of politicians to gain votes, by a group of nine colored church men and educators at a conference held Thursday evening in the home of Prof. Frank L. Williams at 4217 Enright avenue. The meeting was called by Coroner Rudolph Vitt to discuss means of curbing the present homicide rate.

Law Lax

Of seventy-seven homicides in St. Louis this year, fifty-one were colored, a ratio entirely out of proportion to the population ratio of ten whites to one Negro. Eleven of the slain Negroes were female; forty were male. The average age was 26 years.

Thirty-four of this year's homicides were caused by guns, thirteen by knives, three by clubs and one by a razor Vitt said.

Rev. B. F. Abbott, pastor of the Union Memorial Methodist Church, declared: "Prosecuting officials display an amazing laxity in permitting shady dives and resorts among the race to operate unmolested," in condemning the laxity of the law.

Hold Life Cheaply

It was pointed out that the new arrival, accustomed to suppression and different training and environment in the south, shakes off the restraint when he comes here and follows the human tendency to revolt.

Housing conditions and segregation also were blamed in part for the relatively great number of homicides.

Coroner Vitt declared: "My first impression of this situation is that many of the Negroes regard the value of human life very lightly. Most of the Negro homicides are the result of trivial differences.

"The significient feature of the deaths this year is that many of the persons involved resided here but a short time."

Form Organization

A temporary organization to launch a campaign such as suggested by the coroner was effected at the meeting with Prof. Williams as chairman and H. A. Craft as secretary. The other members are J. W. Myers, Dr. W. L. Perry, pastor of the Antioch Baptist church; the Rev. Charles Stanley pastor of the Liberty Congregational Church; the Rev. S. A. Moseley, pastor of the Tabernacle Baptist Church; the Rev. E. O. Maxwell, pastor of the First Baptist Church; the Rev. H. W. Evans, pastor of the Lane Tabernacle and the Rev. B. F. Abbott.

It is planned to enlarge the committee to fifty members and conduct a program of education thru the Negro and daily press, churches, schools, civic organizations and other agencies.

One of the first steps in the campaign will be the investigation of the manner in which Negro homicide cases have been handled by the prosecuting officials.

Missouri.

EQUAL JUSTICE TO ALL

[St. Louis Star]

Have the St. Louis courts and the supreme court of Missouri adopted a new policy with regard to holdups? It is a fair question, in view of the decision of the state's supreme tribunal handed down yesterday affirming the life sentence of a Negro woman from St. Louis. The St. Louis Star holds no brief for the woman who was adjudged an habitual criminal, and who was fairly convicted in the matter of helping in a $25 holdup earlier in the year. She deserved punishment. But is it fair, is it just, to apply the limit to one race, and permit a member of another race to go scot free or be punished with a light sentence? Or is it that heavy sentences will hereafter be applied equally to the two races?

If the latter conjecture is the case, the Star has no protest. Holdups are entirely too common. The bandits should be sternly punished, so sternly and so certainly that stickup men and their women lookouts will give St. Louis a wide berth in their operations. **But such is not the practice with well known white criminals, habitul criminals, men who figure in almost every monthly report of the police department on one charge or another. Why differentiate between the races?** If it is proper to give a Negro woman a life sentence, then it is proper in the same measure that a white criminal should receive similar punishment for an identical offense.

In the present instance, the punishment administered to Maggie Macon is the most severe in the memory of St. Louis court attaches, according to their statements last February. If white criminals are to be treated with equal severity, the sentence ought to stick; but if white criminals are to be shown a measure of mercy, **then justice should be blind to color, and show the same measure of mercy to Negroes.**

GLOBE-DEMOCRAT
ST. LOUIS, MO.

DEC 2 1926

NEGRO ANTIMURDER DRIVE SHOWS RESULTS

Homicides Take Sharp Decline After Coroner Vitt's Appeal.

The appeal of Coroner Vitt to the negro leaders of the city to join in a movement of propaganda against the alarming increase in negro homicides has borne fruit in the past few months, a study of the figures of the Coroner's office revealed yesterday.

In August, the month when Vitt presented his appeal, there were fourteen negro murders and ten white homicides. The following month the negro deaths of violence dropped to seven, while the white murders totaled seventeen. In October five negro murders were recorded and in November only four.

Hence it can be seen that where nearly one negro was killed every other day in August in the city limits in November, only one such death occurred a week, a return to the average of previous years. So far this year the negro murders total sixty-eight, as against sixty-six for the entire period in 1925, and the white homicides total fifty-seven this year, compared with eighty-nine in the previous period.

The campaign was carried on by negroes with the exception of the aid rendered by Coroner Vitt. Appeals were made by the churches, lodges and negro organizations, and a definite plan of publicity worked out.

BLACKS FACE TO HIDE CRIME

The blacken faced criminal who has come into evidence in St. Louis by the confession of one John Sexton, a white man, has, to our mind, brought the police department of this city face to face with a problem that will call for careful consideration, and study. The blacken faced white criminal not only baffles the police in their efforts to run down the perpetrators of crime, but is a menace to the life and social welfare of the Negroes.

As Sexton, the confessed blacken faced white robber said, it is easy to fasten a crime on the Negro. It seems that because of some kind of color complex which is fixed in the mind of the average police, when he hears of a crime committed, the picture of a Negro instantly comes before him, and instead of using his intelligence to reason out the solution of the case brought to his attention, goes off on a color-hunt rather than using logic and reason in reaching his conclusion.

St. Louis Argus
9-10-26

We make no denials that there are Negro criminals for there are far too many at large, particularly in the large Urban Centers, but we are thinking of the innocent who are so likely to be arrested, harrassed, beaten-up, jailed and finally landed in the penitentiary just because some white man has committed a crime with his face blackened.

St. Louis Mo.

Of course we do not know what can be done about the activities of those who practice them. We merely call attention of the police to them, with the hope that in the future, more care will be exercised, when the cry "Negro" is made following the commission of a crime when there is a reasonable possibility of there being a mistake.

In his confession, John Sexton said that there was a "gang of us" who blacken our face when committing crimes. This statement ought to be very significant to the police department. Every possible effort should be made by the department to break up this gang for it is hard, for one man to spend from ten to twenty years behind the gray walls at Jefferson City for a crime, while the real perpetrator is walking around at perfect ease.

Crime - 1926

New Jersey.

"BLACK PORCH BURGLAR" PROVES TO BE WHITE BOY

Associated Negro Press

CAMDEN, N. J., July 28.—The "black porch burglar" who has been operating in this city for several months, turned out to be a white youth in the person of John Penn, eighteen, of Broadway near Haddon avenue. He was arrested early Saturday morning after a chase.

When detectives searched his room they found watches, rings, silverware and other small articles of value. Police are endeavoring to connect him with about thirty robberies. They say that in each of these, the manner of entry and the thief's methods were the same. Many colored men were arrested and the police tried to put the blame on them.

New York

Crime-1926

ALLEGED SWINDLER CHARGED WITH FALSE SOLICITATION

Police Claim William J. Bell Obtained $3,500 of Million Dollar Fund for Proposed Negro Hospitals

His alleged attempt to erect four hospitals here led to the indictment of William J. Bell, 39, 229 Edgecombe avenue, on a charge of grand larceny Friday. He obtained about $3,500 in contributions to his proposed $2,000,000 fund, police said, before he was arrested on March 19 last. Amsterdam News 4-21-26

Bell, it is charged, circularized wealthy persons with a letter outlining his "charitable" purpose. The letterhead was "The Affiliated United Colored Hospitals," and contained the names of some of the best known residents of this city. He obtained the names, he said, from newspaper stories of the arrivals or sailings of prominent persons on ocean-going ships. New York, N.Y.

According to a confession he made to Assistant District Attorney Lehman, Bell obtained a promise from Arthur C. James, millionaire, for a $500,000 contribution as a memorial to the latter's mother and on condition that a like amount be raised before the contribution was paid. He had a "drive" on in Boston some time ago, using the same title, but for $3,000,000. He is wanted there in case he is acquitted in the present case, police said.

Bell was arrested on the complaint of Virginia Terrill, a newspaper woman, 527 West 121st street, who was investigating "charitable" drives. She "donated" $25 and then caused his arrest. Bell was indicted under a section of the Penal Code which classes fraudulent charitable solicitations even for $1 as grand larceny. The indictment was handed up to Judge Francis X. Mancuso in General Sessions. Bell is locked up in the Tombs in default of $5,000 bail and probably will be arraigned for pleading this week.

NEW YORK CITY SUN
JUNE 23, 1926

Uncle Sam's Pistol Trade.

While nobody pretends that New York State has been able by its anti-pistol law to keep concealable firearms out of the hands of crooks, it is generally conceded that it is a useful statute. Its effectiveness is highly impaired, however, by the fact that anybody can order a revolver or automatic outside the State and have it delivered by mail. The Government will even oblige by collecting the price on delivery to the purchaser. One newspaper widely circulated in the negro quarter in Harlem has carried in a single edition advertisements of five houses engaged in this trade.

Like every other commodity, pistols are sold on the installment plan; in Texas purchase in this way is called among the blacks "renting a gun." How extensive the sale of pistols through the mail is may be judged from the fact that one dealer told the police of this city he had made $400,000 in two years in the business.

The House Committee on Post Office and Post Roads has just made a favorable report on a bill to take the Government out of its partnership with pistol sellers and pistol toters. Congress should enact it into law. It is favored by such an authority on lawlessness as Chief City Magistrate McAdoo of this town; the Post Office Department indorses it. It would not prevent any honest man who has a real reason for carrying concealed firearms from getting them. It would keep the deadly things out of reach of at least some youths and some crooks. This would be worth doing.

BROOKLYN
STANDARD UNION

OCT 21 1926

NEGRO SLAYER HANDED TEN TO TWENTY YEARS

Arthur Garlington, 32, colored, of 57 Sumpter street, who during a fist fight shot and killed Rosco Robinson, of 1682 Bergen street, to-day on a charge of manslaughter in the first degree was sent by County Judge Martin to Sing Sing for from ten to twenty years.

Crime—1926

New York.

Autos Killed 370 in Manhattan During 1925; 106 Were Shot; 78 Deaths from Other Causes

Street traffic accidents in Manhattan during 1925 caused three times as many deaths as shootings and other crimes of violence, it was shown by figures issued yesterday in the Homicide Court.

Of cases involving the deaths of 59 persons on the dockets, 392 resulted from traffic fatalities while 106 were shooting cases. There were ten deaths by stabbing and sixty-eight fatalities from blackjacks and other weapons. Of traffic fatalities motor trucks killed 126; pleasure vehicles, 117; taxicabs, 87; buses, 8; horse drawn vehicles, 8; surface cars, 14.

According to the records in the Traffic Court, the Magistrates handled 82,252 cases, the greatest number since the formation of the Traffic Court in 1916, and an increase of more than 5,000 over the cases for 1924. Despite the increase in cases, however, only $345,843 was collected in fines, as compared with $444,438 in 1924. There were 238 prisoners charged with driving automobiles while intoxicated, a record number.

The Magistrates either revoked or suspended 412 licenses, sent 2,027 persons to jail for failure to pay fines and sentenced 753 others to jail terms on straight sentences.

The Bronx Traffic Court, formed less than two years ago, reported that in the last six months it had handled 7,801 cases and collected $45,799 in fines.

New York Times 1-1-26 New York, N.Y.

Macon, Ga. Telegraph

JAN 1 1926

FROM NEGRO PRISONERS.

To the Editor of The Telegraph:

We, the colored inmates of Bibb County's Jail, want to extend our thanks through your paper to the public, particularly our white friends who remembered us Christmas. We were like the story about the friendless orphan boy who was in a large city at Christmas time, hungry and shoeless. He went to a shoe store and looked through the showcase at the shoes, wishing he had a pair. He fell down on his knees and prayed for a pair. A rich lady came along and said, "Get up off that cold stone. Why are you here?" He answered, "I am praying to Jesus for a pair of shoes." The kind lady carried him into a store and purchased him shoes. He wanted to know, "Are you Jesus' wife?" The lady replied, "Why no. Why did you ask me?"

"Well," the boy replied, "I was asking Jesus for some shoes, and I thought you were His wife and He sent you in His place."

Mrs. J. D. Howell, the mother of Mr. John Howell, may not be related to Him, but she is a kind-hearted white lady. She was the first one to appear in jail personally and give each of the colored inmates a Christmas present. Her kindness will be long remembered. We hope some day that we will be able to turn her or some of her relatives a deed of kindness as did the Negro janitor in New York who lost his life to save the life of a child who entered his elevator and touched the button, or, as the Negro rendered in Mississippi when he rescued his white people on a sinking boat.

We never will forget our white friends who were kind and remembered us in time of need. We are also extending our thanks to Captain Joe Stripling, the assistant jailor, for the Christmas barbecue dinner he provided. Captain Tom McCommon was sick in the hospital, but Captain Joe played his hand. The presence of Captain Tom was missed and we wish him a speedy recovery.

J. G. THOMAS, Author.
LAWTON CARTER,
WALTER JACKSON,
CLYDE HARRIS,
V. G. FULMORE,
TOMMIE L. WILLIAMS,
W. GARDINER,
TOM FOWLER,
S. MIDDLEBROOKS

CRIME STUDY LED BY NEWTON D. BAKER

F. Trubee Davison Announces Special Committee to Get Statistics on Causes.

WIDE SURVEY IS PLANNED

Data From All Sources to Be Sought and Organized—Suggestions Then to Be Made for Campaign.

F. Trubee Davison, Chairman of the National Crime Commission, announced yesterday the personnel of a special committee to study the causes of crime. Newton D. Baker, former Secretary of War, was appointed Chairman.

"The committee, known shortly as the 'Educational Committee,' will, in fact, attempt to cover the influence of educational, industrial and social conditions upon the prevalence of crime," said a statement by Mr. Baker, incorporated in the announcement. "In this, as in so many other branches of the study of crime, there is wanting any complete statistical basis, even by cross section. But, of course, parts of the field have been studied by educators, psychiatrists, psychologists and criminologists, and our first task will be to bring the literature and such statistics as can be found together.

"This will be digested by an expert, under the guidance of the committee, and ultimately we hope to be able to draw some conclusions and make some recommendations which will be useful to local agencies throughout the country working in the several fields covered by the committee's inquiry.

"If the problem of the prevalence of crime is to be successfully attacked it must be by the cooperation of all the agencies which influence and mould the mind and character of men with those most specialized agencies which aid to repress wrong impulses or correct wrongdoing.

"The men and women who have consented to become members of the committee are all prominent in the life and thought of the country and represent various points of view and professional occupations. They start with no prepossessions and no commitments to special theories, but hope by earnest thought and study to reach practical conclusions which will be helpful both in substance and in method.

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The members of the committee are Dr. Ernest M. Hopkins, President of Dartmouth College; Leonard P. Ayres, Vice President of the Cleveland Trust Company; Dr. John H. Finley of The New York Times; Walter Lippman of The World; Ralph Hayes, Director of the Community Trust of New York; Mrs. Carrie Chapman Catt; Mrs. Florence Kelley, Secretary of the National Consumers' League; Miss H. J. Patterson; Dr. Herman M. Adler, Chicago psychologist, and the Rev. Edmund A. Walsh of Georgetown University.

New York Times 3-1-26 New York, N.Y.

New York Has 5,581 Violent Deaths In 1925—Accidents Lead

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New York Age 4-10-26 New York, N.Y.

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Total	5,581

In addition, among the 13,353 cases brought to attention there were ninety-three instances of exposure.

The statistics reveal that Manhattan is the centre of violence in the city. It provided 2,832 violent deaths 231 of 356 homicides, 501 of 994 suicides, 588 of 1,272 highway accidents, 456 of 925 fatal falls.

Not a Case of Poisoning

Of the 356 homicide victims, forty-eight were Negro and ten Oriental. Shooting was the prevailing method of killing, accounting for 248. Stabbing was second, having fifty-seven victims, and assault third, with thirty-two. One homicide was by burning, but the one fashionable mode, poisoning, had not a single victim.

Of 994 suicides thirteen were Negro and two Oriental. Illuminating gas was selected by 388, hanging by 145, jumping from a building, bridge or other structure by 147. Poison of twenty varities accounted for 108 deaths in this category. Carbolic acid was the favorite poison.

More than two-thirds of the suicides, 680 out of 994, were among males. More than half of these, 361, were married. One hundred and sixty-eight married women took their own lives. Of widows who committed suicide there were fifty-eight, of widowers, seventy-one.

Between the ages of twenty-five and thirty women were most likely to commit suicide, the statistics show. From then until sixty they had, progressively, less inclination in this direction. Between sixty and seventy came another period of stress. For men the tendency toward suicide increased gradually to the age of forty-to forty-five, decreased again until sixty, then jumped up again.

In choice of method of death, the greatest disproportion between men and women occurred with respect to hanging. Twenty women took their lives in this way, and 125 men. Among victims of self-poisoning, there were fifty-one women and fifty-five men.

There were 589 deaths from accidents, exclusive of collisions, involving automobiles used for pleasure. Taxicabs caused 167 deaths, auto trucks, 343. Other sources of death by accident on the public ways were:

Street cars	78
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There were 47 deaths from collisions between autos, 10 involving autos and motorcycles, 16 autos and bicycles, 22 autos and pillars and 8 autos and trains.

Of 932 victims of all types of automobile accidents, 310 were children of under ten years. The next largest number came between sixty and sixty and sixty-five. In all, 668 men were killed in automobile accidents, and only 264 women.

Falls Downstairs Fatal

Of 925 fatal falls, 200 were downstairs, 152 were merely to the floor and 125 on the pavement. There was only one airplane fatality.

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One hundred and four people falling from a boat or a pier were drowned. Capsizing boats caused eleven deaths, bathing, ninety-five.

Among 439 accidental deaths attributable to fire, only seventy-four were from burning buildings. Scalds caused 103 deaths, flamese from stoves, ninety and explosions fifty-one.

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Among general diseases alcoholism took the highest toll, 585. Pulmonary tuberculosis was second with 290. Of 93 deaths from exposure 91 were caused by heat and two by cold.

Crime - 1926

New York.

Autos Killed 370 in Manhattan During 1925; 106 Were Shot; 78 Deaths from Other Causes

Street traffic accidents in Manhattan during 1925 caused three times as many deaths as shootings and other crimes of violence, it was shown by figures issued yesterday in the Homicide Court.

Of cases involving the deaths of 59[illegible] persons on the dockets, 392 resulted from traffic fatalities while 106 were shooting cases. There were ten deaths by stabbing and sixty-eight fatalities from blackjacks and other weapons. Of traffic fatalities motor trucks killed 16[illegible]; pleasure vehicles, [illegible]; taxicabs, 87; buses, 8; horse drawn vehicles, 8; surface cars, 14.

According to the records in the Traffic Court, the Magistrates handled 82,252 cases, the greatest number since the formation of the Traffic Court in 1916 and an increase of more than 5,000 over the cases for 1924. Despite the increase in cases, however, only $345,843 was collected in fines, as compared with $444,438 in 1924. There were 238 prisoners charged with driving automobiles while intoxicated, a record number.

The Magistrates either revoked or suspended 412 licenses, sent 2,027 persons to jail for failure to pay fines and sentenced 753 others to jail terms on straight sentences.

The Bronx Traffic Court, formed less than two years ago, reported that in the last six months it had handled 7,801 cases and collected $45,799 in fines.

Macon, Ga. Telegraph

JAN 1 1926

FROM NEGRO PRISONERS.

TO the Editor of The Telegraph:

We, the colored inmates of Bibb County's Jail, want to extend our thanks through your paper to the public, particularly our white friends who remembered us Christmas. We were like the story about the friendless orphan boy who was in a large city at Christmas time, hungry and shoeless. He went to a shoe store and looked through the showcase the shoes, wishing he had a pair. He fell down on his knees and prayed for a pair. A rich lady came along and said, "Get up off that cold stone. Why are you here?" He answered, "I am praying to Jesus for a pair of shoes." The kind lady carried him into a store and purchased him shoes. He wanted to know, "Are you Jesus' wife?" The lady replied, "Why no. Why did you ask me?"

"Well," the boy replied, "I was asking Jesus for some shoes, and I thought you were His wife and He sent you in His place."

Mrs. J. D. Howell, the mother of Mr. John Howell, may not be related to Him, but she is a kind-hearted white lady. She was the first one to appear in jail personally and give each of the colored inmates a Christmas present. Her kindness will be long remembered. We hope some day that we will be able to turn her or some of her relatives a deed of kindness as did the Negro janitor in New York who lost his life to save the life of a child who entered his elevator and touched the button, or, as the Negro rendered in Mississippi when he rescued his white people on a sinking boat.

We never will forget our white friends who were kind and remembered us in time of need. We are also extending our thanks to Captain Joe Stripling, the assistant jailor, for the Christmas barbecue dinner he provided. Captain Tom McCommon was sick in the hospital, but Captain Joe played his hand. The presence of Captain Tom was missed and we wish him a speedy recovery.

J. G. THOMAS, Author.
LAWTON CARTER,
WALTER JACKSON,
CLYDE HARRIS,
V. G. FULMORE,
TOMMIE L. WILLIAMS,
W. GARDINER,
TOM FOWLER,
S. MIDDLEBROOKS

CRIME STUDY LED BY NEWTON D. BAKER

F. Trubee Davison Announces Special Committee to Get Statistics on Causes.

WIDE SURVEY IS PLANNED

Data From All Sources to Be Sought and Organized—Suggestions Then to Be Made for Campaign.

F. Trubee Davison, Chairman of the National Crime Commission, announced yesterday the personnel of a special committee to study the causes of crime. Newton D. Baker, former Secretary of War, was appointed Chairman.

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New York Age 4-10-26 New York, N.Y.

NEW YORK
WORLD

NOV 2 4 1926

The Baumes Law

To the Editor of The World:

An article in The World Nov. 18 told how a Negro, Frank Redding, was sentenced to imprisonment for life. It was on Sept. 14 that he was arrested for treating himself to a "joy ride," singing and having a merry time in a taxicab which did not belong to him. He was intoxicated at the time. Thrice before, during the last eighteen years or so, he was convicted of the same crime, each time being in the same inebriated condition. Thus, on the fourth offense, he came under the Baumes law and was given a life term.

It is true that under the Baumes law the defendant should receive the severe penalty. But it is also true that the defendant is not a vicious character or a habitual criminal. Even Judge Allen admitted this. Yet the fellow must spend the rest of his natural life in prison. No one can say that Redding was not given straight justice. But such justice is cold, utterly void of humane feelings. It does not strike the American sense of fairness.

As for myself, I know nothing about criminal law. However, it is certain that the court was within his right when he imposed such a sentence. In fact, the court could not do otherwise. But this is not at all consoling. It is clear that Redding had no intention of stealing the car, as a thief would not be so hilarious when carrying the goods upon him. Is there no distinction between one who deliberately robs, who would not hesitate to kill, and one who snatches a "joy ride" while under the effects of liquor? Evidently there is not, as both are subject to the same punishment.

It seems to me that the Baumes law should be revised so that the court may use his discretion in such cases. Unless this allowance is made the Redding case will be a blot upon the American traditions of sound justice and fair play.

SAMUEL MORELL.

Brooklyn, Nov. 18.

Baumes Law Criticized By N. Y. Judge

NEW YORK CITY, Nov. 18.—In sentencing William Green, a Negro laborer, to life imprisonment Thursday, Judge Cornelius F. Collins in General Sessions criticized the Baumes law because, it forced him to act contrary to the dictates of his conscience. The prisoner had been sentenced on Oct. 15, for assault in the second degree and was sent to Sing Sing for five years. Warden Lawes sent him back because it was found that under the new law his previous record demanded that he be imprisoned for life.

Judge Collins said that those interested in the law thought that it should be tried out for a year before criticism was leveled against it. He was forced to speak out, he said, because he felt that under the circumstances five years in prison was ample punishment for the prisoner.

Green's record showed the following sentences: Sixty days in 1919 for third degree burglary; 60 days in 1920 for petty larceny; a suspended sentence in 1921 for vagrancy and a term in Elmira Reformatory for assault, and in 1924, two years for third degree burglary. Green was released in February and got work as a stevedore. On August 16, he got into a dispute with Israel Jones, a companion, of 49 street, and Nicholas avenue. He alleged that the assault for which he was arrested was an act of self-defense. Jones and he fought in a speak-easy in Lenox avenue.

"I am sorry for you," Judge Collins told Green. He said he had received a pitiable letter from the defendant that had touched him and that he had called his case to the attention of the Big Brother movement and hoped that the Governor would cut down the prison term to five years, as originally fixed by the Court. A life sentence, he added, was out of all proportion to the punishment intended by law for the offense Green had committed.

"There is no doubt," he continued, "that the Baumes Committee was actuated by the best of intentions, but they made a law that is arbitrary and inflexible. It leaves the courts no discretion and substitutes the authority of that bill for the arbiter of justice and its administration throughout the State.

"I am making this statement in the hope that the bar will appreciate this situation. I want to say furtl er that what I am uttering in criticism of this mandatory legislation is, in my opinion, the concensus of opinion of the judges of the criminal courts throughout this State."

Brooklyn Judge Ordered to Resentence Colored Man for Life

Supreme Court Justice Lewis Signs Order at Request of District Attorney Dodd — Acts Under the Baumes Law — Harry Simmons the Man in the Case

Amsterdam News

Supreme Court Justice Lewis on Wednesday granted the peremptory order of mandamus asked by District Attorney Dodd, requiring County Judge Franklin Taylor to bring back from Sing Sing Harry Simmons to plead to an information filed by Mr. Dodd that he is a fourth offender and should be sentenced to life under the Baumes law.

Simmons was sentenced to three years by Judge Taylor for stealing $169 from his employer, after he was allowed to plead guilty as a first offender.

When Simmons arrived at Sing Sing Warden Lawes informed Kings County authorities that the prisoner's previous record called for a life sentence.

Judge Taylor refused to order Simmons returned, holding that Simmons would be placed "in second jeopardy," a violation of his constitutional rights.

The District Attorney then made his application to Supreme Court Justice Lewis.

The decision by Justice Lewis, a former District Attorney of Kings County, is regarded as an upholding of the Baumes Law amendments, which went into effect July 1 and which have been the subject of controversy among judges of the county courts ever since.

The decision upholds the contention of District Attorney Dodd that under the amended section 1942 and the new section 1943 of the penal law, known as the Baumes amendments, a previous offender must be brought back for resentence if it is shown he is a previous offender.

Law Well Established.

Justice Lewis, in his decision just rendered that the authority of the District Attorney to institute a mandamus proceeding when the County Judge demurs having a prisoner returned for resentence, has been upheld by Appellate Courts in several States.

He then wrote that it was unnecessary to make the prisoner, in this case Simmons, a defendant in the mandamus proceeding, as any defense would be heard when he pleaded to the information.

Prior to enactment of section 1943 of the penal law, section 1942, as amended, provided that a fourth offender on conviction, should be sentenced to life. But, after serving the maximum term for the offense, less commutation for good conduct, the prisoner might be paroled.

The power of the Parole Board, said the Justice, was taken away in the case of habitual criminals by the Baumes Laws.

Would Protect Public.

Justice Lewis asserted:

"The offender and victim cannot alone be considered. Altogether too frequently the rights of the people are overlooked. It does no violence to any constitutional provision for the State to rid itself of hardened offenders. When efforts at reformation have failed, those who commit murder in the first degree forfeit the punishment provided by the statute, and those who commit four offenses of felonies likewise by their acts bring upon themselves the punishment fixed by law.

"In cases in which extraneous circumstances appear, the power of the Governor may be invoked. The motion for the peremptory order is granted."

Referring to Judge Taylor's contention that it would be unconstitutional to have Simmons returned for resentence because he was not indicted and convicted as a fourth offender, but as a first offender, Justice Lewis cited a statute of West Virginia.

He pointed out that this statute applied to cases such as that of Simmons, and on being tested in the U. S. Supreme Court it had been upheld.

Crime-1926

North Carolina.

NORTH CAROLINA'S CHAIN-GANG SYSTEM ON TRIAL

THE CRUEL AND BARBAROUS METHODS that built the roads to Rome and the pyramids of Egypt are not the methods that can be used in this enlightened age in the building of our county roads by convict labor, observes the Cleveland *Press* at the end of the trial of a Stanly County, North Carolina, chain-gang boss for the murder of two negro convicts. And altho Nevin C. Cranford, the road boss, was acquitted on the testimony of the two physicians called to attend the negroes, that they died of sunstroke, it is generally believed, says a Baltimore *Sun* correspondent at the trial, that "the trial will exercise a wholesome influence on North Carolina's county chain gangs." In the opinion of Mrs. Kate Burr Johnson, executive secretary of the State Board of Charities and Public Welfare, "until the State legislature takes hold and deals honestly with North Carolina's prison system, we are going to suffer such disgrace as the trial at Albemarle, Stanly County, recently unfolded." "These stories of brutality and savagery that sicken, even as they stir one to righteous wrath," lead a widely read North Carolina paper, the Raleigh *News and Observer*, to declare that "if one-half of the testimony adduced against Cranford is true, there is no punishment that fits his crime." As the Baltimore *Sun* correspondent at the trial points out:

Literary Digest

"Few who heard the testimony in the Cranford case will deny that there were whippings and beatings with buggy traces, hickory sticks, or any other readily available instruments that might serve the purpose. All this evidence was offered by the State to show the system that it alleges has been in vogue throughout the twenty years of Cranford's service as the chain-gang boss. Observers here say it is typical of North Carolina chain gangs. Cranford himself did not take the stand, but one of his witnesses, a former assistant chain-gang boss, reluctantly admitted prisoners had been whipt and that he occasionally helped in the job.

8-14-26.

"It was not for the jury to decide whether it was the practise to flog prisoners, save as it might throw light on the death of two particular negroes whom Cranford was alleged to have beaten to death. And, in finding Cranford innocent of the killing of James Terry and James Howells, it rendered no verdict on the question of general cruelties.

"True, there are some here who express the belief that the only way Cranford would get 'hard labor' out of this class of men was by the exercise of the lash. But for the most part, the people hereabouts, tho a majority of them sympathized with the defendant, feel that the practises on the chain gang have given Stanly County and the State a bad reputation, and that more humane methods should be used in the handling of prisoners.

"The chain gang in this county has gone, and it is safe to say it will not return. It was abolished by the County Highway Board just after the preliminary hearing last fall, in which Cranford was held for trial. But more than half the hundred counties in the State still maintain these gangs.

"North Carolina has two penal systems—the State penitentiary, where prisoners are employed in factories or on the prison farm or hired out to road contractors under State guard; and the county chain gangs. There is no connection between the two, and the State Prison Board has no authority over the chain gangs.

"Long-term prisoners are sent to the 'pen,' but those with sentences of less than five years may be sent to the road gangs. They may be worked in any county in the judicial district in which they are convicted.

"These chain gangs had their inception in the carpetbagger days. They have continued with all the cruelties that might be expected when a chain-gang boss is invested with the authority of a czar. There now are from 60 to 70 camps in the 100 counties of the State. They contain between 2,000 and 3,000 prisoners.

"Judge N. A. Sinclair, who presided at the Rocky Mount (N. C.) camp trial a year ago, and other jurists maintain that with the abolition of whipping in the State penitentiary the county boards no longer have authority to permit indiscriminate whipping in the chain gangs. At any rate, the Governor wrote every county board asking it to abolish floggings and conform with the new State practises. But these letters were almost uniformly ignored and chain-gang bosses, as a whole, have resorted to whatever means they have thought necessary to control their charges.

"Few will deny that the lash and the club still are applied by chain-gang bosses in most of the camps in the State. Politics is mixed up in the State penal systems. That is one reason why such conditions exist."

Of the hundred and fifty witnesses who appeared for the defense, some maintained that "the convict system, not Cranford, is at fault." One witness, the county welfare officer, testified that he made inspections of the Cranford chain gang four or five times each year; that each visit to the camp was unheralded; and that, altho he had the convicts stript, and examined them closely for bruises or lacerations, he never found any evidence of cruelty. Several former chain-gang guards also denied that they had ever witnessed any brutalities. There were dozens of witnesses who testified as to the good character of Cranford, many of whom were county and county seat officials or former officials. It was also contended by Cranford's attorneys that the reports of cruel treatment were grossly exaggerated and that most of the testimony against him was given by convicts or former convicts. As the Albemarle *Press* explains:

"Our chain-gang boss may have done cruel things, but he did them in the open. He was but a link in a chain which connected county, State, and nation in a system which decreed that when a man violates the laws of his country he must pay a certain penalty."

On the other hand, declares another North Carolina paper, the Asheville *Times*, "the moral sense of Stanly County should be so deeply aroused that it would bring about far-reaching changes in a penal system which permits such barbarities. For, however far the convict may have fallen from grace, he is entitled to humane treatment." Continues this paper:

"The most discouraging feature about this reputation for barbarous treatment of prisoners which the State is getting is that the Cranford case is not the first of its kind. Within the past two years there has been just enough cases of the sort to lend color in the minds of outsiders to the suspicion that sporadic conditions are general. They are, in sad fact, too general.

"When convict bosses and guards have the power under the law to inflict brutality upon human beings, sooner or later they inflict it. That is the history of penal systems and the law of human nature. The State Prison officials have abolished whipping of prisoners, yet they are still able to maintain excellent discipline, according to reports. All the principal central governments of the world have abolished the lash as an instrument of penal punishment. Not since 1868 have judges in North Carolina had the authority to have criminals flogged for their misdeeds. Is it, then, reasonable to argue that county commissioners and convict-camp superintendents are under the organic law entrusted with larger powers for the discipline of offenders than the judiciary itself?"

This is the question that has been brought forward by the prosecution of Cranford, points out the Winston-Salem *Journal*, which avers that "it is the duty of the State legislature to abolish a prison system which encourages chain-gang bosses to practise brutality in the enforcement of discipline." What the Raleigh *News and Observer* can not understand is why these "brutal practises have been tolerated so long." Continues this paper, published at the State capital:

"The result of the trial in Stanly County of the boss of the chain gang is that, while the evidence did not convince the jury that he killed the two men for whose killing he was indicted, there was such whipping and lashing of prisoners as brings the blush of shame to the good people of North Carolina.

"Good men have gone on the witness stand in Stanly County the past week and testified to the truth of outrages which occurred years ago. They told of cruelties they themselves witnessed. The revolting mass of testimony, widely published, shocked the people of this and other States. The terrible things revealed were of long duration and of wide notoriety.

"How could they have been silent so long? How could they have kept their peace? How could Stanly County and the State have remained in ignorance or indifference?"

IMPROVED COUNTY GOVERNMENT

ADMINISTRATION OF JUSTICE

News Letter 12-1-26. Chapel Hill N. C.

The seventh major function of county government is the administration of justice. In one sense this is not a part of county government, for court officers are really state officers. While each county has a sheriff, a clerk and a coroner, the superior court to which they are attached is not a county court. It meets in each county only for convenience. A few counties have an inferior court known as the county court, and several counties have a recorder's court with a county-wide jurisdiction. The justices of the peace are selected by townships but they, too, have a county-wide jurisdiction. The county is thus recognized as a convenient judicial district, but the administration of justice is a state function. Nevertheless, since it has great local significance, it deserves a place in this series of articles.

High Cost of Crime

The court and jail costs in every county are heavy, much heavier than a few years ago. The honest man is taxed more and more to defend and support a growing criminal class. This situation gives rise to several pertinent questions. (1) How can we reduce court costs? (2) How can we make our prisons and jails more self-supporting? (3) How can men be deterred from crime? The County Government Commission did

not attempt to answer these questions but referred them to the committee from the Bar Association which is studying crime and reform in judicial procedure. Neither would I be so presumptuous as to attempt an answer to these difficult questions. Nevertheless, there are some obvious wastes at the present time which ought to be stopped.

More Courts

First of all, it seems to me that we need more courts. There are a great many cases, especially liquor cases, which could be tried before a magistrate, more expeditiously and more cheaply than in the Superior Court. In Rutherford, Edgecombe and other counties, the recorder's court is a money saving institution. This is so, first, because it disposes of cases promptly and keeps the jail population at a minimum, and second, because it prevents congestion of the Superior Court docket. In one county a man who failed to get bail had to lie in jail five and a half months before his case could be tried. This was no great hardship on him, for the jailer boasted of the fact that he fed "the boys" eggs, roast beef, and watermelon. It was, however, rather hard on the taxpayers. There may be counties in the state where an inferior court would not be warranted, but in most counties there is need for a court of record inferior to the Superior Court. Of course it is highly important that the judge be capable, fearless and independent.

Fewer Jails

Along with more courts, there should be fewer jails. A county jail has no facilities for working its prisoners. To keep a prisoner in idleness violates every principle of penology. Furthermore, the number of prisoners is so small that the overhead expense is excessive. With the present ease of transportation from one county-seat to another there is no need for one hundred jails in the state, and about the time all the counties get equipped with expensive jails that fact will be recognized.

The chain gang has been condemned because of the abuses which so often attend it, but it does at least help make the convicts self-supporting, while keeping them active in the open air and sunshine. All prisons should be self-supporting, though there are difficulties to be overcome in making them so.

Prevention

Crime seems to be on the increase but there are forces at work that may soon change the tide. (1) Universal education will raise the economic status of many who might through poverty be tempted into crime. (2) The good-roads movement both produces and prevents crime. It tends to prevent crime in that the penetration of backward regions breaks down the individualism and provincialism of the people. Employment on highways has also permitted and encouraged many to give up illicit pursuits. (3) The activities of the welfare officers, the juvenile courts, correctional institutions prevent the making of future criminals by helping the abnormal boys and girls to adjust themselves. (4) Finally, nothing serves better as a deterrent of crime than swift and sure punishment. A battery of lawyers in every county-seat who earn a livelihood by defending criminals is largely responsible for the present delay and defeat of justice. An accused person is entitled to counsel, and it is legitimate to defend a known criminal, but justice would be advanced if the persistent offender had more difficulty in getting a lawyer to defend him.—Paul W. Wager.

Greensboro, N. C., News

DEC 4 1926

WHITES HOLD LEAD IN SUPPLYING PRISONERS

Seventy-Seven Whites and 52 Negroes in Guilford Jail During November.

FOOD COST 50 CENT DAILY

The whites continue in the majority in Guilford county prison circles, according to the regular monthly report of Jailer R. W. Dallas forwarded to the state board of health yesterday. During November there were 129 different prisoners kept in jail and of this number 77 were whites and 52 negroes, which, it so happens, is about the same ratio of "leadership" that whites have maintained during the past several months.

Males by far outnumbered the females, 117 of the sterner and 17 of the less sterner sex being incarcerated. And it is all the more to the credit of the women that a number of the 17 are steady prisoners, serving time around the jail in the capacity of servants, thus reducing the number actually committed during November.

The report of Jailer Dallas discloses that health conditions were good around the county prison, as but three inmates were sick, they being ill for a total of 30 days, or on an average of 10 days each. Six visits were made by the county physician to treat these patients, medicines prescribed costing an even $5.

It cost the county the sum of 50 cents per day per prisoner for food during the month, making each meal average but 16 and 2-3 cents. At this rate it cost the county $15 to feed any and every prisoner who was locked up for the full period covered in the report to the state health authorities, which is regarded as about as economical as possible.

There will be little reduction in the jail list by reason of next week's term of criminal court, since only ond cases, and most of them from igh Point, will be tried. The week December 13, however, will see exodus on the part of some of e present boarders, for jail cases ill be tried then.

Crime-1926

North Carolina.

CRIME IN NORTH CAROLINA

MARCH 10, 1926

CRIME AND THE COURTS

The table on crime published elsewhere was prepared by two graduate students in connection with a comprehensive statistical survey of court records of crime in North Carolina. The main source of information in this study consists of the reports turned in by the clerks of the superior court of the several counties. These reports give the name of every person indicted and prosecuted during a term of the superior court together with the offense for which he was prosecuted and how his case was disposed of. The clerks also expected to give the age, race, sex and occupation of each defendant, although this is not strictly complied with nor enforced. Therefore such information is incomplete and unreliable.

Limitations

Statistics of crime are notoriously misleading, especially in the hands of one not used to their pitfalls. Therefore, in studying the accompanying table, please bear in mind the following limitations:

1. The figures represent superior court convictions only. The proportion of offenses tried in the lower courts varies greatly by counties.

2. The figures are for one year only. Cases continued to a later session of court are not included. In the same way in some counties a large share of cases may be carried from one year to the next. Data will be more reliable only when such a table covers convictions over a period of years.

3. A sudden shift from lax to vigorous enforcement of law in a given year makes the crime rate high for that year, and vice versa. Again records should cover a period of years in order to be strictly comparable.

4. New statutes are often vigorously opposed in certain regions and in certain circles. For example, in some of the tidewater counties the majority of the indictments were for failure to comply with the tick eradication law, which does not meet with the approval of some citizens.

Some Conclusions

With these statistical pitfalls in mind we may yet draw some very interesting conclusions. The people of the central western part of the state seem fully as prone to commit crimes as those of the central eastern, even though the proportion of negroes is much smaller in the west.

Counties with large urban and industrial populations are more criminal than rural counties. So the tidewater counties as a group make by far the best showing. Counties in which the population is shifting, or where new people are moving in, seem more criminally inclined. This shows that crime is partly a result of the failure of some people to fit into their new surroundings and find a recognized place in the community. Fast-growing communities would do well to find a recognized place in the community for the newcomers, to give them the feeling that they belong to the community. Newcomers will then feel more responsible for the maintenance of law and order.

Other studies are to follow in succeeding weeks. Among them will be one showing the extent of superior court dealings with bootlegging. Another will show the proportion of white to negro crime.

MOONSHINING IN NORTH CAROLINA

North Carolina is a great industrial state, and not the least of her industries is moonshining. Our rank among the states in illicit manufacture of whiskey compares favorably with our rank in textiles, tobacco, and furniture. Unfortunately we have no official data on the volume of output or value of the finished product, but judging from the 1925 report of the federal Commissioner of Revenue one gets the impression that North Carolina is second to none in moonshining, our population considered.

During the fiscal year ending June 30, 5, federal prohibition agents seized 17 stills in North Carolina, 839 distilleries, 656 still worms, and 18,340 fermenters. In number of stills seized only two states ranked ahead of North Carolina, namely Georgia and Illinois, both with a larger population. On a population basis North Carolina ranks first in stills seized. (Operations of state and local officers are not included in these statements.) In only three states were more distilleries seized, namely Georgia, Virginia, and Tennessee, all neighboring states. These same states ranked ahead of ours in still worms seized. However, in fermenters seized North Carolina was surpassed only by Georgia.

The federal agents seized more than a million and a half gallons of malt liquor in North Carolina (rank third), more than three hundred thousand gallons of mash, and 219 automobiles valued at $70.521.

The appraised value of property seized and destroyed by federal agents was $758,861. In only one state, Georgia, did federal agents destroy a larger amount of property. However, there were nineteen states in which the value of property seized and not destroyed was greater than in North Carolina!

It is interesting to note that North Carolina is the center of the greatest activity in moonshining in the United States, doing a goodly share of the business herself, and being surrounded by states all of which rank right at the top in stills and distilleries seized—Georgia, Tennessee, Virginia, and South Carolina, the last named doing a large amount of moonshining her size and population considered.

Either these five are the great moonshining states of the Union, or federal probihition agents are more active in these states, or possibly both. And of these five, population considered, North Carolina leads.

RESORT RESOURCES

More money is being spent in resort development in the southern Appalachian mountains just now than in any other district in America with the exception of Florida. This section embraces western North Carolina, for many years a favorite resort for easterners; eastern Tennessee particularly between Knoxville and Chattanooga; and northern Georgia, which has had added to its natural advantages a series of most attractive lakes both for power production and for recreation.

At the present time there are at least twenty corporations which are actively at work in developing thousands of acres each, spending millions of dollars in the beautifying of immediate sections, making them accessible to the general public and building hotels, cottages and amusement housing for the thousands who frequent the section during the spring, summer, and fall.

Two booster associations in the Ozark regions west of the Mississippi are engaged in bringing the charms of this rugged and picturesque country to the attention of the world at large. These are the Ozark Playgrounds association, and the Eastern Oklahoma Playgrounds association. The building of modern highways up to and through this district is aiding materially in bringing this to the public attention and a very greatly increased tourist traffic is expected during 1926.

The Sandhills

Not the least known of the South's playgrounds is the sandhill section of the Carolinas and Georgia, extending particularly from Pinehurst to Augusta. While this section is not in the throes of an immediate expansion, having been long developed and well known, much activity is current all along the belt, being particularly active in the Augusta region, where real estate has been more active during the past fall than for a number of years.—Miller Survey.

COOPERATIVE MARKETING

There are now more than 12,000 active farmers' business organizations in the United States, the United States Department of Agriculture estimates on the basis of a recent survey. This number is more than twice that in 1915, when the first nation-wide survey of cooperative associations was made by the department.

The associations include those selling farm products, buying farm supplies, operating creameries, cheese factories, canning plants, grain elevators, stockyards, warehouses, or rendering some one or more of the essential services connected with the conduct of farmers' enterprises. The figures do not include farmers' cooperative banks, credit associations, nor insurance companies.

Fifty-four of the associations listed are federations with local units, 49 are sales agencies operating in central

UDYING COURT RECORDS

The University of North Carolina, through its Institute for Research in Social Science, and at the suggestion of the Governor of the State, is making a detailed study of superior court convictions for the one hundred counties covering a period of three years. This is the first attempt ever made in the United States to make a state-wide analysis of court records and to compile comparable statistical tables from such records. These studies will be of immense significance, (1) in revealing such facts as are now available from inadequate and incomplete records, and (2) through collaboration and scientific study to construct a record sheet which when filled out by the clerks of court will afford a body of statistics on crime that can be readily tabulated and of scientific and constructive value.

We should like to point out that the form now provided for clerks of court to fill out is inadequate and of little scientific or practical value, that the form, crude as it is, is incompletely filled out by many superior court clerks, and that such data as are available have never been adequately tabulated.

A scientific and practical court record sheet should be devised which would reveal data that could be the basis for constructive thinking and legislation. The state should require such record sheets to be filled out by the responsible officials, and finally the Attorney General's office should be staffed and charged with the responsibility of assembling and thoroughly tabulating such data each year, making such recommendations as seem advisable after careful study.

markets, 35 are bargaining associations, and 98 are large-scale organizations of the centralized type. Of the total number of associations listed by the department, 3,325 are primarily engaged in marketing grain, 2,197 handle dairy products, 1,770 ship livestock, 1,250 market fruits and vegetables; 121 perform various functions in the marketing of cotton, 91 in marketing wool, 71 in marketing poultry or poultry products, and 24 in marketing tobacco.•

More than 70 percent of all the associations are in the twelve North Central States. Approximately 6 percent are in the three Pacific Coast States, and less than 3 percent in the six New England States. The largest number of associations reporting from any one state is 1,383 from Minnesota. Iowa is credited with 1,094 associations, Wisconsin 1,092, and Illinois 822. Missouri has 537 associations; Nebraska, 488; Kansas, 466; California 350, and New York 286.

The grain marketing associations are largely in the twelve North Central States, as are also the greater number of the livestock shipping associations. The organizations engaged in marketing dairy products are scattered through the country with a fair percentage of the total number in Minnesota and Wisconsin.

THE GOOD CITIZEN'S CODE

George H. Hilty, of Palatka, Florida, in a recent speech to the business men of his town, laid down a code of ethics for the guidance of every man desirous of serving his community. As described in The Manufacturers Record, it includes:

"On the part of each one the realization that he is a citizen of a fine city, in a fine county and a fine state; that his ambition for his community will be to bring about the greatest possible success, having always in mind the highest ideals of justice, tolerance and morality; to support every worthy cause morally and financially so far as he is able to do so; to cooperate with city and county officials and help them as far as in his power lies; to think constructively, to talk constructively, to play his part as a good citizen in developing a larger, better and greater city and county; to lead, if called upon, or to follow the leader if that is his place; to boost, praise and speak kindly of his community, its industry and business, its recreation facilities and advantages, its finance and commerce, its climate and soil, its city and county officials, and to learn more about his city and county in order to convey to others the many blessings, advanatges, and opportunities with which the community in which he lives has been favored."

STUDYING TAXES

Missouri business men have formed an organization "to show the tax wastage and to formulate a plan whereby the present methods of administration may be improved so the taxpayers may receive a larger return."

They propose to examine the whole state administrative system and also that of the counties. Such an effort should be welcomed by every public official, as well as by the people.

Several states have formed such organizations and the rest should follow, for it is only by organized effort that state, county, and city taxes will ever be reduced.

The reason that so many people kick against taxes is because they don't know anything about that subject. In the first place, they don't know enough to frame and regulate proper tax laws. Then when somebody else attends to that job for them, they don't know enough to understand what it's all about, and to hide their ignorance they complain.

There should be an intelligent study of city, county, and state tax systems. Only by that can there come a fair distribution of the tax burdens. Some day, some man is going to present a proper tax law for the state, and thereby get his name written in the hall of fame. It takes courage, but there's hope that the courageous person will come along some of these days, kick the politicians out and write an equitable tax law.—Durham Herald.

CAROLINA STATE HIGHWAYS

Our state highway system now includes 4,448 miles of completed road, on which there has been expended in four years a total of $82,200,953. During the year 1925 there was new road construction of 1,554 miles at a cost, with bridges, of $27,327,066. There is at present under construction an additional mileage of 816, to cost $14,659,572, and this will be greatly increased during the year 1926 by the expenditure of from 10 to 12 million dollars loaned by various counties to the Highway Commission.—Governor McLean.

SUPERIOR COURT CONVICTIONS
In North Carolina from July, 1923, to July, 1924

In the following table the counties are ranked according to the number of persons convicted by the superior court of the county from July, 1923, to July, 1924, per one thousand inhabitants. The second column shows the percent of those convicted serving prison terms or paying fines. Judgment was suspended in the remaining cases, most of which were light offenses or first offenses.

Washington county makes the best record for the year studied with .60 convictions per 1,000 inhabitants. Mitchell ranks last with 9.43 convictions per 1,000 inhabitants, and with only 23 percent of those convicted serving time or paying fine.

Based on superior court records and the U. S. census estimate of population for 1923.

Ethel Crew, Northampton county, and F. S. Wilder, New Hampshire

Rank	County	Convictions per 1,000 inhabitants	Percent serving time or paying fine
1	Washington	.60	71
2	Currituck	.69	80
3	Jackson	.74	60
4	Graham	.81	75
5	Harnett	.92	89
6	Brunswick	1.07	62
7	Beaufort	1.09	94
8	Martin	1.10	71
9	Iredell	1.12	66
10	Stanly	*1.16	57
11	Nash	1.21	72
12	Hyde	1.31	82
13	Davie	1.39	74
14	Johnston	1.43	45
15	Chowan	1.50	94
16	Cleveland	1.58	74
17	Warren	1.59	77
18	Rowan	1.66	73
19	Craven	1.72	67
20	Dare	1.73	22
21	Bladen	1.77	44
22	Scotland	1.85	86
23	Gates	1.89	75
24	Union	1.92	52
24	Yancey	1.92	68
26	Pitt	2.00	69
27	Hoke	2.03	64
28	Robeson	2.13	63
29	Wayne	2.23	80
30	Clay	2.24	45
31	Rutherford	2.28	73
32	Alleghany	2.29	71
33	Northampton	2.34	65
34	Columbus	2.39	75
34	Rockingham	2.39	86
36	Franklin	2.41	36
37	Camden	2.42	23
38	Edgecombe	2.46	82
38	Avery	2.46	69
40	Cumberland	2.51	63
40	Jones	2.51	54
42	Pasquotank	2.66	75
43	Polk	2.70	60
44	Yadkin	2.75	52
45	Granville	2.85	56
46	Cabarrus	2.91	58
47	Davidson	2.92	72
48	Ashe	2.95	61
49	Guilford	3.08	90
50	Sampson	3.16	64

*Data for Stanly incomplete.

Rank	County	Convictions per 1,000 inhabitants	Percent serving time or paying fine
51	Pender	3.18	66
52	Greene	3.19	50
53	Macon	3.20	60
53	Vance	3.20	68
55	Hertford	3.25	55
56	Caldwell	3.27	72
57	Swain	3.30	74
58	Onslow	3.35	66
59	Cherokee	3.39	66
60	Bertie	3.45	51
61	Haywood	3.48	79
62	Madison	3.49	66
63	Wilkes	3.52	68
64	Surry	3.53	76
65	New Hanover	3.59	87
66	Moore	3.62	69
67	Stokes	3.67	70
68	Lenoir	3.87	76
69	Catawba	4.01	74
70	Caswell	4.17	79
71	Carteret	4.20	43
72	Halifax	4.22	61
73	Duplin	4.26	68
74	Pamlico	4.36	59
75	Wilson	4.76	81
76	Watauga	4.78	39
77	Buncombe	4.94	70
78	Chatham	4.95	63
79	Anson	5.01	67
80	Randolph	5.07	71
81	Durham	5.14	68
82	Forsyth	5.30	78
83	Person	5.32	81
84	Transylvania	5.37	81
85	McDowell	5.41	82
86	Mecklenburg	5.82	71
87	Henderson	5.85	85
88	Alamance	5.94	61
89	Wake	5.96	79
90	Tyrrell	5.98	41
91	Montgomery	6.08	60
92	Alexander	6.19	57
93	Orange	6.62	59
94	Gaston	7.03	63
95	Burke	7.15	52
96	Lincoln	7.77	70
97	Rowan	7.87	71
98	Richmond	8.69	76
99	Lee	9.5	64
100	Mitchell	9.43	23

Conviction rate probably higher.

Crime - 1926

North Carolina.

Blood-Curdling Tales Of Cruelty Told At Trial

By STAFF CORRESPONDENT

Albemarle, N. C., July 19—A blotch on the twentieth century's vaunted civilization as blackened and horrified by inhuman cruelties and atrocities as any with which the world's darkest ages have been accursed, not excluding the period of the Inquisition, was disclosed from the courthouse of this little town last week, when witness after witness went on the stand in the trial of Nevin C. Cranford, former chaingang boss, and related blood curdling tales of Cranford's alleged inhuman treatment of prisoners in his keeping.

On Trial For Murder

The former convict boss is on trial before Judge Finley in Superior Court for the alleged murder of two Negro convicts, James Howell and James Terry, during his alleged barbarous reign at the camp during the summer of 1918.

As revolting as the evidence is that has been adduced against this former state official, as disgraceful as it looms against the fair name of the Commonwealth, the state has nevertheless, dug it up with a vengeance, even raking Cranford's record as a convict boss for 15 years back, putting witnesses on the stand including former convicts and residents of Albemarle to prove that this former officer of the law regined over the state's charges with a savage cruelty that brought death to the hapless and helpless wards.

Crowded Courtroom

For four days a crowded courtroom, including hard faced men, accustomed to the recital of horrible stories of inhuman treatment, squirmed and gasped as approximately a score of witnesses charged Cranford with beating men to death, hitching them to tractors and dragging them cruelly over stumpy new ground, monstrously assaulting them, suspending them by their hands off the floor and chaining them with iron chains until their legs swelled to three times their normal size. This recital of almost indescribable brutality the state adduced from these witnesses, piece at time, in erecting its mountainous structure of damaging evidence against the accused, and with this structure the Commonwealth rested and the spectators sighed their relief from this blood curdling testimony.

Beat Men With A Stick

Clayton Smith, a former convict testified that Cranford beat the Negroes with a stick like a "man fighting a snake." He struck James Howell and James Terry a number of times with a stick, the witness stated, and then thrust the stick into the mouth of the convicts. Cranford beat the Negroes "enought to die," Smith said.

The witness said the former chaingang boss made him work one time with a blistered foot which became so painful he had to crawl.

"Why didn't you ask for a doctor?" a prosecution attorney asked.

"Because another boy had asked for a doctor and Cranford told him he would get a doctor for him and drew a 38 revolver on him," the witness answered.

Shackled Prisoners

Smith said on one occasion he wrote home for food, guard promising to secret his letter out for him.

"Cranford caught him with the letter and he bawled him out and put shackles on my legs," Smith continued.

"What was the condition of your legs while the shackles were on?"

The witness said they were swollen two or thre times their normal size.

Charles Deese, a convict, was asked by the prosecution to tell about the treatment Cranford gave to Henry Wooten, a Negro.

"One evening we were clearing out a bottom," the witness began, "and Wooten was sitting up. Cranford said: 'Mr. Wooten says he can't work.' Then he had me drive my tractor up and Wooten was hooked to the tractor with a chain."

The witness said Cranford told him to drive off and that he went about 30 feet with Wooten hooked to the chain.

"Cranford told me to stop," he continued, "Cranford then asked Wooten if he thought he could walk. Wooten said he thought so. Cranford then told me to drag him some more. When I had gone about 30 feet more Cranford told me to stop and he unhooked Wooten."

"What did Wooten do?" the witness was asked by counsel.

"He walked off as best he could."

"What was the condition of the ground."

"It was rough where stumps had been pulled out."

"How long did Wooten live after this?"

"Two or three weeks."

"Did you have a talk with Cranford about the Wooten affair?"

"Cranford said if I made out an affidavit saying he did not order me to pull Wooten he would meet me on the highway some night and let me go."

Deese declared that on one occasion he had seen one convict, John Baker, whipped twice and once hung by his hands off the floor for four hours.

Whipped Man Until He Fell

Carl Vester Ieake, a Negro, and fromer convict, testified that he was told by Cranford to make a ring in the road and whip Quincy Lake, a convict, until told to stop. Leake said he whipped the man until he fell and Cranford said he was not whipping him hard enough.

"Cranford then hit me," the witness said.

"That night Leake was trying to eat," the witness continued. "When Cranford saw he was not eating like the rest of us he picked up a root and knocked him out of his seat. John Quincy crawled in the house where he slept and he never touched another mouthful of food.

"What happened then?" The solicitor asked.

"John Quincy died that night."

The state, then seeking to bare Cranford's record as a convict boss as far back as 16 or 17 years ago, called to the stand Abe Leake, a Negro , who served time on the roads as many years back. This witness said he was shackled in such a manner that his ankles became covered with sores. Baring his back to the jury he exhibited scars, some several inches long, which he said had been caused by whippings he had received under Cranford.

The tensity which had settled over the courtroom when these tales of alleged barbarity began to unravel themselves from the lips of former convicts was almost broken with a titter when the witness declared that the wearing of a handkerchief around his neck on one occasion caused Cranford to call him "duddish" and resulted in his receiving a beating.

Citizens Testify

The state did not rely wholly on the testimony of former convicts to build its case against this alleged iron-handed superintendent of prisoners. It called numerous residents of the town who told of having seen the accused savagely assault his charges in the public streets.

W. T. Efird, son of an ex-state senator, declared he saw Cranford knock down a convict with a board in the streets of Albemarle 15 years ago. The Negro did not get up immediately, the witness said, and the convict boss stepped on his head with iron-clad boots. Then, feeling the sting of Cranford's lash, the convict partly got up, staggered and fell again, the witness said. Slowly and dramatically, the prosecution exhibited before the jury the hair and teeth alleged to have been those of Quincy Lake, a convict whom Ach Leake testified he buried clandestinely. Here, Cranford's face turned ghostly white, but he only squirmed.

Works Man With Broken Arm

It was testified that Cranford forced a convice named Grady to work with broken arm and that when Grady's mother sent a doctor to set it, he ordered the doctor away and told Grady to write his "dear, beloved mother and tell her if she puts her foot back in this camp I'll kick her off."

Another witness, John Baker, told of another convict, James Lee Butler, having one foot suspended to the ceiling just off his bunk for having broken the Sabbath by dancing. The very paradoxicality of this bit of testimony made the spectators shudder and then almost laugh.

Former convicts who have testified against the former chaingang boss were both white and colored.

The trial has amazed this little town. People from the far countryside have stopped the attendance upon their crops temporarily to 'tend coat.' Some of the townsfolks have for 15 or 16 years heard that Nevin C. Cranford was a cruel convict boss, but the stories of his alleged cruelty that have been recited in the courtroom here have even stunned them.

Prosecution Relentless

This trial is no playing to the galleries. North Carolina seems sincerely bent on cleaning up this convict camp mess, even to the extent of sending the alleged arch cruel overlord of convicts to penitentiary for life. Cranford himself realizes that the days before him are beclouded. If the charges laid against him by state's witnesses are true, his has been a callous and most insensible existence disregarding human suffering in a manner that seems too incredible.

And whether Cranford is convicted or freed, the solicitor of this county, with the end of this trial will have rendered the state and the nation an exemplary service in focusing so relentlessly public attention upon the convict camp system which once flourished in North Carolina with the people perfectly oblivious of its probable hellishness.

The defense holds sway in the trial this week, and the attorneys for the accused are relying mostly upon character witnesses to undo some of the damage done their client by the prosecution.

Social Inequality Will Solve Problem

White Savannah "Bible Pounder" Preaches in Boston

(Preston News Service.)

BOSTON, Mass., July 26.—Social inequality for Negroes is the remedy for racial injustice, according to Rev. Neal J. Anderson, white, of Savannah, Ga., who spoke here at the Clark Street Church Sunday.

In his sermon on "The Business of Being a Christian," he begged his hearers to recognize that "assured political leadership of white Christians in the South is the only possible means by which both whites and blacks there can gain prosperity.

"I know not one outstanding Negro preacher in the South, who was raised here and understands his people, who does not believe that social equality would mean untold calamity for Negroes."

"The Negro is well off in the South, he needs only to be 'understood,'" says this mental gymnast, rabble rouser and Bible pounder of the South. Rev. Anderson told of a recent funeral of an aged Negro church janitor of a fashionable church in South Carolina, in which the pallbearers were the mayor and members of the city council.

Crime - 1926.

North Carolina.

Cranford Suspended Men From Ceiling For Several Hours

Albemarle, N. C., July 19—State's witnesses testifying in the trial of Nevin C. Cranford, former chaingang boss on trial here for the alleged murder of two Negro convicts, James Howell and James Terry, accused Cranford of the following atrocities against convicts:

"Beat them with a stick like a man beating a snake, then thrust the stick into the mouth of one of the convicts."

Made convict work with a blistered foot that became so painful he had to crawl.

When sick convict asked for a doctor, Cranford told him he would get him a doctor and drew a 38 revolver on him.

Put shackles on convict's legs until they had swollen three times their normal size.

Had man hitched to a tractor and dragged sixty feet over rough and stumpy new ground. Victim died three weeks later.

Whipped convict until he fell.

Knocked convict down with four-foot board and stepped on his head with iron-clad boots.

Suspended convicts by either their feet and hands to the ceiling for as long a period as four hours.

Monstrously assaulted and beat convicts upon the slightest or without provocation.

Denied convicts medical treatment and hastened their death.

CONVICT BOSS FREED BY JURY

Albemarle, N. C., July 29.—(AP)—Nevin C. Cranford, former chaingang boss, charged with the murder of two negro convicts, was found not guilty here tonight. The jury deliberated 40 minutes.

The verdict was returned at 10:50 o'clock tonight after a trial lasting more than two weeks. The state alleged that James Taylor and James Howell, negro convicts, died from the effects of beatings administered by Cranford.

Former Guards Deny Warden Killed Negroes

Albemarle, N. C., July 21.—(AP)—More testimony was introduced by the defense today in the trial of Nevin C. Cranford, former convict boss on trail for murder, in refutation of charges by prosecution witnesses that he was implicated in the death of six convicts.

A. T. Freeman, of High Point, a former guard, denied that John Quincy Leake died after being beaten and struck with a heavy root. He said the convict died of natural causes.

"Mr. Cranford did not abuse John he testified.

J. L. Croke, another guard, said Carl Meadows died of natural causes and that Cranford gave him money so he could spend his last hours with relatives.

For a moment today the testimony touched on the death of James Terry and James Howell, the two convicts for whose death Cranford is on trial.

Lon Shaw, a former guard, declared he left camp on August 5, 1918, and that the two negroes were in excellent health at that time. They were supposed to have died that night.

Shaw denied that Cranford whipped them.

Convict Forced To Work While Arm Was Broken

Abemarle, N. C., July 17.—(AP)—Testimony that Nevin C. Cranford, former chaingang boss on trial for the murder of two negroes, compelled a convict to work while he was suffering with a broken arm was introduced today before a recess was taken until Monday.

Grady Sides, former convict, stated that after he had broken his arm his mother sent a doctor to set it and that Cranford ordered the doctor away.

The witness said Cranford treated him "pretty good" until he broke his arm and then he "treated me pretty bad."

"Were you beaten before your arm was broken?" he was asked.

"Yes, once."

"Why did he beat you?"

"Because I slept with my pants on."

"How did you break your arm?"

"The tractor kicked it."

"Did you get a doctor?"

"No. I asked Captain Cranford if he wouldn't get a doctor but he said he guessed my arm wasn't broken and that I didn't need any doctor."

"What happened then?"

"Cranford called a man to put it back in place and he did the best he could. He pulled and yanked at it."

"What did you do the rest of the day?"

"Greasing the tractor and throwing rocks out of the road with my left hand."

"Could you use your right arm?"

"No."

SIXTH DEATH LAID TO PRISON SYSTEM

Witnesses Tell of Cruelty Inflicted by Nevin C. Cranford on County Convicts

ALBEMARLE, N. C., July 19.—(AP)—A sixth death in the Stanley county prison system was laid to Nevin C. Cranford in his trial on murder charges in superior court here today.

State witnesses, Mr. and Mrs. Dave Teeter, testified that Carl Meadows, a white prisoner, came to their home several years ago suffering from wounds, he said were administered by Cranford, and that he died the following morning.

Mr. Teeter said that Meadows was in a bruised and beaten condition. He said that one of the man's hands was broken.

On cross-examination the witness said that he had not seen Meadows for some time before he came to his house, although he had known the prisoner.

A. J. Dees told the court of seeing Cranford hit negroes over the head with a stick. This occurred on the Baden road in 1914, he said, while negroes were lifting "shanties" to put on wheels preparing to move camp.

William Vanderburg, of Albemarle, former prisoner under Cranford, testified that he was practically deaf because of a blow on the head. He said that Cranford struck him the blow with his fist.

CHAINGANG BOSS TRIAL DRAGS ON

More Cruelties To Convicts Charged Against Nevin C. Cranford By Rebuttal Witnesses For The State.

JURY MAY GET CASE LATE NET WEEK

(Special to the Journal and Guide)

Albemarle, N. C., July 27—It was freely predicted that Nevin C. Cranford, alleged tyrannical chaingang boss of a North Carolina convict camp, charged with the brutal murder of two Negro prisoners, James Terry and James Howell and the inhuman and atrocious treatment of other prisoners in his charge, would not go on the stand in his own defense and these predictions were borne out here today when the defense rested its case shortly before noon declining to put the defendant on the stand.

The trial of Cranford began in the little court house of Albemarle last week when his awing savagery and barbaric treatment of prisiners alleged by the state was brought to light. Some of the testimony given out by witnesses for the prosecution was hair raising and blood curdling such as has never been heard in the hitherto quiet little courtroom.

Twenty or more witnesses were called by the State which began to place these rebuttal witnesses on the stand for further testimony when the defense closed. It has been thought that the case would be long drawn out, not having any possibilities of ending before late next week or later, but the sudden turn of events, mainly the failure of Cranford to take the stand leads many to believe that all evidence in the case will be in by late Thursday noon. The protracted trial has seen the large crowds witnessed on the first few days dwindle considerably. Plenty of room may now be found in the court room as the crowds have tired of such long sessions.

Arthur Pickler was the first defense witness to go on the stand. He was put on early this morning and was put through a gruelling cross-examination by State's Attorney Caudle. Pickler stuck to his main testimony and the State endeavored to impeach the witness by impeaching his character.

James Raymond, Earl Littaker and Barney Mills, who served under Cranford as guards refuted the charges of cruelties in their testimonies. T. C. Cravers also testified to the good character of Cranford.

No Cruelty Found In Camp

Claiming that he had visited the prison camp a number of times and had had the prisoners to strip for examination, Z. V. Moss, welfare officer of Stanley county, stated that he never found any evidences of cruelty. He added that Cranford never knew when he was going to inspect the camp. A number of character witnesses testified for Cranford, including A. P. Harris, clerk of the Superior Court of Stanley county, and W. H. Snuggs, a prominent druggist of Albemarle.

Severe Cruelty Seen

The State began its rebuttal with the calling of J. C. Kelley to the stand who testified contrary to Pickler. Kelley stated that Pickler had admitted some time ago that Cranford whipped the convicts. Kelley's character failed to make a good showing. C. A. Talley also said that Pickler told him Nevin Cranford treated his men inhumanly and was exceedingly too rough.

When Rev. Stork, of Norwood took the stand, he told of a conversation with Cranford, in which the latter told him that he was rough but

had eased up a bit; that Cranford showed a strap which was used in the beating of prisoners to the grand jury, stating that he could not run the camp without it. Cranford was given a character for viciousness to convicts by G. M. Dry and J. L. Hinson. Many others testified against the character of Cranford and told of his savage cruelty. Another witness gave the alleged slayer a good character but stated he had heard stories both ways. John Latton told the court that Pickler had told him that Cranford whipped the prisoners with a heavy strap. According to the statements of M. B. Boyd, he had been told by Dr. Lentz that Cranford worked two of his Negro prisoners to death.

The State introduced a witness who testified that the Negroes were whipped "worse than ever I saw any man whipped before or since."

James Terry and James Howell who are alleged to have died as a result of the cruelties of Cranford and for whose death the chaingang boss is being tried, asked for shade when they were ill, but only received severe beatings meted out by their boss, was the testimony of Ed Roberts, a former convict in the charge of Cranford. Being so badly maltreated as to render them unable to eat their food, they were subjected to the lash of the tyrant, the witness said. He also stated that, later, he saw Cranford knock over Terry with a stick and after he fell, Cranford "stomped on his face, making a skinned place "about as large as a half-dollar." The number of blows the two men received ,the witness estimated to be between 30 and 40 and a hickory stick was used. Cranford also "jobbed" the stick in Terry's mouth, the witness further stated.

Roberts had signed an affidavit to the effect that Cranford was good to his convicts and when asked his reason for signing this said:

"The way he beat people made me so I would have signed anything."

"Did he ever hit you?" he was asked.

"No," said Robers,t "but he kicked me so hard I couldn't sit down for a week," Roberts added.

A host of character witnesses were used by both the State and the defense. Around 150 witnesses were used by the defense before it rested its case.

NEW YORK CITY WORLD
JULY 16, 1925

TORTURE CONVICTS IN NORTH CAROLINA

Murder Trial of Chain Gang Boss Brings Flood of Stories About Beatings

Special Despatch to The World

ALBEMARLE, N. C., July 15. — Stories of a Negro convict hooked to a tractor by a chain attached to his shackles and dragged over rough, uneven ground; of convicts hung up for hours by their wrists to the ceiling; of prisoners forced under threats of the whip to take pint quantities of Epsom salts and of beatings of prisoners were unfolded in almost continuous narrative by witnesses for the State to-day during the second day of the trial of Nevin C. Cranford, former chain gang superintendent, charged with the murder of two Negro convicts.

Axel grease was used as ointment for wounds, according to testimony heard to-day.

The greater part of to-day's testimony was offered to show how Cranford treated convicts generally under his charge while he was prison camp superintendent. Very little of it related directly to the deaths of James Terry and James Howell, Negroes charged against him in the indictments.

The defense served notice of exceptions to all testimony except that directly relating to the death of the two convicts.

Clay Smith, Montgomery County farmer, who several years ago served a term on the Stanly County chain gang, testified that on one occasion, when he was suffering from blood poison and requested a physician, Cranford threatened him with a whipping instead and placed him in double shackles.

Complained of Being Ill

Two witnesses, white farmers from Montgomery County, former prisoners under the defendant, testified that the two Negroes complained of being sick and that Cranford gave them large doses of calomel and salts and then kept them at work. It was in summer and the sunshine was hot.

The Negroes asked Cranford to let them get into the shade, one witness testified, and Cranford jumped down from a bank and shouted, "I'll give you shade," and proceeded to beat them with a big stick or club until they were almost unconscious.

One of them, he said, in his agony grabbed a stick nearby, placed it in his mouth and tried to bite it, whereupon Cranford is alleged to have shouted "I'll give you something to bite" and rammed a stick in his mouth. After the beating the Negroes never spoke again, but died that night, the witness testified, saying he remained by them until the end.

Jury From Another County

The jury is composed of twelve men from Anson, the State having asked for a change of venue or a jury from another county.

Sentiment in this county is sharply divided as to Cranford's guilt and it is asserted that local politics had a part in the case. The charges first were aired after an investigation by agents of the State Social Welfare Department. Finally, some time afterward, a Grand Jury indicted Cranford. Twice the trial has been postponed.

Three witnesses took the stand today to tell of events of the chain gang, one corroborating the other in tales of horrible cruelties. Clay Smith, who testified yesterday, completed his direct examination in the morning, and told of the death of Terry and Howel.

No Negroes in Court

We, here in the South, are accustomed to think of our negro population as being responsible for a large part of our crime. In many counties the majority of the defendants at court terms are negroes.

Not so in Macon county. Witness the term of Superior court the past two weeks. Of all the criminal cases, in not one was a negro the defendant.

It is rather a remarkable record, and is a splendid tribute to the negroes in the county.

True, Macon is overwhelmingly white in population. But there is, nevertheless, a large number of negroes in the county; and, presumably, the negro is more likely to get into court than the white man. He has, as a rule, fewer advantages; and he generally has less influence at work to keep him out of court, once he gets into trouble.

Macon couny negroes are entitled to commendation: the county may congratulate itself upon the quality of its negro population.

Greensboro, N. C., Patriot

NOV 11 1926

MORE WHITES THAN NEGROES IN GUILFORD COUNTY JAIL

The white race had the dubious honor again during October of leading the negro in furnishing the majority of prisoners confined in the Guilford county jail, according to the report made the state board of health by Jailer R. W. Dallas.

One hundred and twenty-five persons were "guests" of the county for varying purposes during the months, and of these, 73 were whites and 42 negroes, a ration uncomfortably near two to one. Of the white four were females and 69 males; of the negroes, seven were females and 35 males.

Whites have been leading in jail prisoners and on convict forces with something akin to regularity during the past several months.

Whites Furnish Most Boarders in N. C. Jail

Greensboro, N. C., Nov. 19.—The white race had the dubious honor again during October of leading the members of our group in furnishing the majority of prisoners confined in the Guilford county jail, according to the report made the state board of health by Jailer R. W. Dallas.

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DISPATCH

Henderson- N. C.
NOV 29 1926

NEGROES YIELD TO WHITES IN PRISON

Young White Men Incarcerated In Increasing Numbers, Says Sink

North Wilkesboro, Nov. 29.—H. Hoyle Sink, North Carolina pardon commissioner in an address before the North Wilkesboro Kiwanis club, made the statement that the negroes of the State were vacating the cells at the State prison for the young white men and that idleness and the lack of training in the home of today were doing more to ruin the youth of the State than any other two causes. Mr. Sink spoke for a half hour or more on the work of the Salary and Wage Commission and the duties of the pardoning commissioner. He was accompanied here by Major Wade Phillips, who is connected with the State Department of Conservation and Development, who addressed the club for a short time.

"Idleness and the desire to have the modern conveniences and pleasures of life make young men commit crimes," Mr. Sink said. "And there should pe some law with proper restrictions to make boys go to work at the age of 12 years," the speaker said forcefully, referring to the idle brain as the devil's workshop. Mr. Sink told of a group of prisoners coming to the penitentiary from Guilford county, there being seven young white men and two negroes in this group. The speaker gave this as an illustration for his statement that the negroes of the State are vacating their cells for the young white man, and he gave the lack of proper training in the home as the real reason for this condition.

Crime—1926.

North Carolina

MEDIAN AGES OF OFFENDERS IN NORTH CAROLINA

The following table lists the main types of offenses dealt with by the Superior Courts of North Carolina in the order of the median ages of those charged with the offense during the year ending June 30, 1925. In a parallel column is the median age for the preceding court year. The information was obtained from the reports of the clerks of the courts to the office of the Attorney General. Out of 14,929 cases reported in 1924-5, 13,464 ages were given, and in the preceding year ages were reported in 12,899 of the 14,484 cases.

F. S. Wilder
Institute for Research in Social Science, University of North Carolina

News Letter
6-23-26
Chapel Hill, N.C.

Charge	Cases reporting ages 1924-5	Median age 1924-5	Cases reporting ages 1923-4	Median age 1923-4
Housebreaking	610	23.1	478	23.4
Burglary	43	23.7	52	23.4
Larceny and Receiving	1,848	24.5	1,619	24.6
Disturbance Meeting	85	25.2	107	24.0
Perjury	31	25.2	24	26.8
Forcible Trespass	139	25.3	121	27.9
Prostitution	253	25.6	158	26.7
Seduction	65	25.8	69	25.9
Rape	23	26.1	27	26.9
Forgery	291	26.3	198	25.5
Vagrancy	78	26.8	47	24.5
Gambling	368	27.2	480	26.8
Crime against Nature	38	27.2	16	......
Carrying Concealed Weapon	705	27.3	726	27.5
Robbery	87	27.3	68	27.4
Homicide	295	28.2	341	30.3
Affray	203	28.3	202	28.3
All Offenses	13,464	28.34	12,899	29.23
Slander	29	28.7	21	30.5
Assult to Rape	70	28.7	44	25.3
Cruelty to Animals	25	28.8	43	31.5
Reckless Driving	270	28 8	162	27.9
Assault with Deadly Weapon	1,107	29.1	1,071	30.7
Injury to Property	117	29.3	69	30.0
Trespass	87	29.3	87	29.3
Resisting Officer	97	29.4	102	29.7
Arson	23	29.5	15	......
Disorderly House	67	29.6	74	33.4
Driving Car without License	52	29.7	67	30.5
Nuisance	117	30.4	163	27.8
[1]Prohibition Laws	3,472	30.5	3,270	31 8
[2]Assault (and Battery)	609	30.6	741	29.2
Abduction	26	30.9	39	31.2
Fornication and Adultery	242	31.1	219	31.7
Bigamy	54	31.3	42	33.0
[3]False Pretense	266	31.3	255	33.7
Abandonment	195	31.7	170	33.2
Doing Business without License	51	31.7	16	......
[4]Failure to List, etc.	266	33.4	264	36.8
City (or other) Ordinance	58	35.5	83	39.7
Disposing Mortgaged Property	101	37.5	111	37.9

[1] Includes drunkenness.
[2] Includes assault on female, but not assault to rape.
[3] Includes giving worthless check but not forgery.
[4] Includes failure to list property, failure to pay taxes or other bills, failure to work roads, failure to dip cattle, and failure to stop at railroad crossing.

White Criminals In N. C. Outnumber Negroes

New York Age
10-16-26
New York, N.Y.

Greensboro, N. C.—Of 12[illegible] prisoners here in the Guilford County jail during September, only 48 were Negroes as against 75 whites.

Similar ratios in other sections of the South indicate, it is pointed out, that crime among Negroes in this section is decreasnig. with the whites showing just the reverse.

JAN 1926

WHITES IN COURT

It is a common thing to see as many white folks in our courts these days as there are negroes. It causes no unusual comment. And it is a distressing fact, too.

It has aroused more than one judge and public man to speech in the past few months. It is a condition that is alarming and something ought to be done about it, but what can be done.

Whites are defendants in cases nowadays that we used to always attribute to negroes alone, stealing, gambling, housebreaking, and the like.

"I can remember," said Judge Feathston, of Spartanburg, "when it was the rarest thing in the world for a white man to be in sessions court except for fighting or homicide, but now three-fourths of the cases of house-breaking and larceny and other similar crimes are committed by whites."

The Raleigh News and Observer says "North Carolina judges are astonished and alarmed and disturbed at the increased number of young white men brought before them for the same character of crimes that trouble the judges in our states."

Another South Carolina judge, in another part of the State, notes the same situation. Judge Henry is quoted as saying that "there is some excuse for a negro stealing. He was brought up in slavery, or his ancestors were, and he thought it little harm to seize a little of the property belonging to his boss, but in these days the race is on between the white man the negro as to which will out-number the other in the penitentiary."

Judge Henry says further:

"There is apparent a breakdown in reverence for the parental authority; if children have no regard for the authority of their parents, the chances are that they will have no regard for the law of the land. I believe in the wisdom of Solomon. 'Spare the rod and you spoil the child.'"

"We are losing our sense of responsibility with our reverence. There is a cult growing up which says we have no fixed moral standards—this lack of standards may have its beginning in the home.

"We, however, can't correct that here—the penalty here—we can merely put on the penalty here—the penalty that was not put on by the parents."

The Columbia State, from which these quotations are taken, thinks there is "food for thought" in these presentations, and adds: "But if the swelling tide of evil among whites is to be checked and turned back measures more potent than sorrowful thought must be found and applied." Gastonia Gazette.

LANDLESSNESS AND CRIME

The ownership of land tethers a man to law and order better than all the laws on the statute books. It breeds in him a sense of personal worth and family pride. It identifies him with the community he lives in and gives him a proprietary interest in the church, the school, and other organizations and enterprises of his home town or home community. It enables him to hold his family together, makes him a better father, a better neighbor, and a better citizen, mainly because it makes him a stable, responsible member of society. Landless men, white or black, in town or country areas, tend to be restless, roving and irresponsible; and the restless, roving, irresponsible multitudes of America are a fundamental menace to society.

News Letter
12-22-26

These are some of the things we had in mind the other day as we journeyed into a mid-state county of North Carolina to study the criminal dockets of the two court sessions of the last twelve months—a county quite unconsciously described by Sidney Lanier years ago, a county whose people "lie wholly off, out of the stream of thought, and whirl the poor dead leaves of recollection round and round, in a piteous eddy that has all the wear and tear of motion without any of the rewards of progress.' There are such static or stagnant social areas in every state, an appalling number of them in the rural South.

Chapel Hill
N.C.

Crimes of the Landless

Of eighty criminals convicted in Chatham, the county we studied, sixty-six were tenants, owning not an inch of the soil they cultivated or a single shingle in the roof over their heads. The tenants are nearly exactly one-third of the population, but they committed more than four-fifths of all the crimes. All the assaults with deadly weapons were committed by tenants, all the second-degree murders, all the illegal disposals of mortgaged property, all the crimes of false pretense, all the injuries to property, all the fornication and adultery, all the prostitution, all the cruelty to animals, all the moonshining, all the reckless driving of cars. The tenants furnished three-fourths of the convictions for larceny and illegal receiving, four-fifths of the convictions for operating cars while intoxicated, four-fifths of the abandonment, and four-fifths of the bootlegging. There were only two crimes in which landowners or members of landowning families outnumbered the crimes committed by tenants, namely, house-breaking and gambling, and in these crimes they fell below their ratios of population. In all the other twenty-one types of crime in the records, the tenants ran far beyond their population quotas. This county, like many another such county, is paying an excessive penalty for harboring a landless, roving, irresponsible population.

To be sure, this mid-state county is remote and rural, quite of a sort with forty-one other counties of North Carolina, and the chances are that the studies the University is now making will show something like the same excess of crimes committed by landless, homeless people the state and the South over.

For instance, the landless are 40 percent of the population in Orange county, N. C., but 75 percent of the crime in 1925-26 was committed by cropper farmers and tenants, town and country. In Wilson county, N. C., the same year, the landless are almost exactly 80 percent of the population, but they committed 96 percent of the crime. In Crenshaw county, Ala., during the last twelve months, the tenants and croppers committed 85 percent of the crimes although they were only 45 percent of the population. And I may add by the way, that crime in all these counties is just as certainly related to home ownership as to race. Among the 456 landowning negroes in Chatham county only two broke into the court records of crime. There are 191 landowning negroes in Crenshaw county, Alabama, but only two of them were guilty of crimes during the twelve

months ending September 1. In Wilson county, N. C., there are 720 landowning negroes, but not one of them was haled into court and convicted in the year 1925-26. A home-owning negro is more than apt to be a decent, law-abiding citizen.

A City Problem

But landlessness is not merely a country problem. In the cities of America the ratios of tenancy are appalling. In towns of ten thousand inhabitants or more in North Carolina from two-thirds to three-fourths of all the people live in rented homes and they are forever moving from house to house, from city to city, under the pinch of necessity or the lure of opportunity, from year to year.

Instable citizenship everywhere is fundamentally related to crime of all types and degrees. Perhaps no other country of the world is so threatened by restless, roving, instable citizenship as America. The more populous and prosperous an area becomes the fewer are the people who live in homes of their own. It is a penalty we pay for what we are pleased to call progress. And it is the cruelest paradox of Christendom. Eighty-nine percent of all the people in greater New York live in rented homes —in the tenements, apartment houses, and family hotels of a cliff-dwelling civilization. Sooner or later America will have to reckon with her landless, homeless multitudes. Our landless are already more than half the people of North Carolina and the Nation—more than one and a half million people in this state and more than fifty million people in the United States.

Civilization is rooted and grounded in the home-owning, home-loving, home-defending instincts. Herein lies the essential social significance of land-ownership.

Landlessness is one of the main causes or correlatives of crime, and it is too little considered either in our cities or in our country regions.—E. C. Branson, printed in part in Dec. World's Work.

Crime-1926

Ohio.

Color Bar In Ohio Prison

Whites Refuse to Work With Negroes in Ohio Pen

CINCINNATI, Ohio, April 15. —The policy of the city administration to use prison labor for city work struck an old obstacle today. Three white prisoners refused to work with three colored prisoners in digging a ditch.

The trouble came after the mixed labor party arrived at a trench being sunk by the fire department on Western avenue, between York street and Hulbert avenue. The trio of colored prisoners took to the picks and shovels like ducks take to water, but the white prisoners refused to budge.

In vain the jail guards accompanying the working party, and Robert Williams of the fire department, entreated them to go to work, for the job was a rush job and had to be completed.

The white men replied that they were willing enough to work, but said that they objected to their fellow laborers.

The jail guards, never having been confronted with such a "strike," telephoned to headquarters for instructions. They were told to bring the malcontents back to jail. In the meantime, the colored men, unruffled by the dispute, went on with the digging.

Crime-1926.

South Carolina.

S. C. SUPREME COURT RULING FAR-REACHING

Defendants Facing Execution Granted New Trial In Connection With Killing Of County Sheriff.

Columbia, S. C.—The Supreme Court of South Carolina has just handed down a far-reaching opinion, which is hailed by the colored people of the South as one of the boldest judicial strokes yet made by a southern court in definition of legal human rights possessed by white and colored. The opinion reverses the decision of a lower court and grants a new trial to Sol Lohman and Lem Lohman, colored, sentenced to death for killing County Sheriff Howard A. Shepard, and Bertha Lohman sentenced to life imprisonment in connection with the killing.

Judge Erred

The high court held that the trial judge erred in his charge to the jury when he failed to explain that the defendants had a lawful right to resist the invasion of their home by the sheriff and his deputies if the defendants were unaware that the invaders were officers of the law. The judge, in charging the jury had stated that the sheriff was armed with a search warrant and had every right to search the Lohman home, and that it was the duty of the Lohman's to permit the search. The Supreme Court held that the rights of the defendants' should have been explained to the jury along with the explanation of the duties of the officers of the law.

that there had been no evidence before the trial court tending to show that the defendants did know that the invaders of their home were officers armed with a warrant to search.

It appears that the sheriff and his deputies approached the Lohman home bent on searching it for liquor. Mrs. Lohman, the wife of Ben, and the mother of Sol, a Bertha accosted the officers in her yard and protested against their entering her home. In the argument, she is said to have drawn an axe, whereupon one of the deputies instantly killed her. The brother, father and sister ran to the back door, saw what had happened and immediately began shooting at the officers.

South Carolina Criminal Record Proves Real Jolt

GREENWOOD, S. C., Sept. 2.—According to the records of the criminal courts here Monday morning, of the 13 individuals convicted, nine were white and four were Negroes. Of nine whites convicted, six were charged with violating the prohibition laws, two with car-breaking and the third with larceny. Two of the Negroes were convicted of violating the prohibition laws, one of petit larceny and one of manslaughter.

THE CAUSES OF CRIME

Judge J. Henry Johnson, of South Carolina, in his charge to the grand jury of the Orangeburg court of general sessions recently, listed ten causes of crime, as he sees it. The causes he gives are interesting and thought-provoking. The list is as follows:

First, the carrying of concealed weapons.

Second, the persistent violation of the prohibition law.

Third, illiteracy and ignorance. Eighty per cent of the criminals are those who never reached the third grade in school. Fifteen per cent were high school men, and five per cent were college men.

Fourth, the tendency to confuse license with liberty.

Fifth, the failure of petit jurors to do their duty.

Sixth, the failure of judges to do their duty.

Seventh, delay in the administration of justice. Lawyers are to blame for the law's delay. The practice of law in a great many instances has degenerated from a profession to a game.

Eighth, operating under antedated criminal law and laws and procedure which need reformation.

Ninth, failure of the parents to rule their homes. The breaking of the home is the failure of parents. Dances begin now at 12 o'clock.

Tenth, failure to carry the tenets of our Sunday school religion into the week days

Some of the items enumerated by Judge Johnson are indisputably major causes of crime. Some of them, perhaps, are debatable from the standpoint of importance as contributing causes. Judge Johnson has neglected to mention some important causes, as, for example, the lack of severity in sentencing habitual criminals. But he gives us plenty of food for thought and in this time of appalling crime, it is well for the public to think over the causes of it and to consider measures for crime prevention.

GREENVILLE S. C. NEWS
MAY 9, 1926

ARE WE PRODUCING MORE CRIMINALS?

Out of every thousand people in South Carolina in 1925, a fraction over two were tried in the state and county courts for some criminal offense. A grand total of 3,552 people were tried in the circuit courts and county courts during the year in this state.

These figures, compiled by the University Weekly News from logical state records, are merely an index and not an accurate record of the volume of crime in the state. An indictment represents a crime, whether or not the person actually indicted was its author. It is possible that several persons may have been indicted and tried, together or at different times, for the same crime, and on the other hand, doubtless there were many crimes for which no suspect was ever apprehended or tried.

Taking these figures as an index, comparative records show a substantial increase in the volume of crime in this state in ten years. In 1915, the total number of such prosecutions was 3,049, the increase being 16.5 per cent.

When compared with population and with other circumstances, however, the record is not quite so bad. On the basis of the state's population in 1910, the number of persons indicted in 1915 was exactly two per thousand. On the basis of the 1920 population, the number indicted in 1925 was 2.1 per 1,000, an increase of five per cent. Of course if the state's population increased at a greater rate from 1920 to 1925, than from 1910 to 1915, there would be a relatively smaller increase in indictments proportionate to population.

Undoubtedly, however, there appears to have been an increase in crime proportionate to population in ten years in this state and that is rather an alarming fact. It might be suggested that one reason is that the passage of certain laws during this period has created a wider basis for crime. We have, for instance, the national prohibition law, which has undoubtedly stimulated bootlegging activities, and it is safe to say there are far more prohibition cases in the state courts today than before the advent of national prohibition. This is not said in derogation of the prohibition law, but it is undoubtedly a general fact that every new law making any given act a statutory offense, which was not formerly a statutory offense, increases the number of prospective or possible lawbreakers. And that is true, regardless of the virtue and worthiness of the new law. The increase in motor travel and transportation and other causes of the greater quickening of the social contacts of the people has also undoubtedly played a part in the larger number of criminal acts. Considering all these causes, if South Carolina's volume of crime has actually increased only very slightly proportionate to population, that may be the basis for a less pessimistic view of the situation.

One of the most alarming facts in connection with these crime figures, however, is the showing that crime apparently has increased vastly among the white people, while it has decreased among the negroes. The comparative record for the two years shows an increase in prosecutions of white people of from 967 to 1,817, or 87.8 per cent, while prosecutions of negroes decreased from 2,082 to 1,736, a decline of 16.6 per cent. The rate proportionate to population increased for whites from 1.4 per 1,000 to 2.2; while for negroes it dropped from 2.5 to 2.

Of course this cannot be taken as conclusive evidence of increasing tendencies to crime among the white people, although it points that way. Many negroes have moved away from the state since 1920. And it is to be remembered too that the crimes to which the negro race is more addicted are the "natural" or common law crimes, and that the negro is probably less affected than the white man by the changing social conditions that have stimulated the increase of statutory crimes and offenses. However, it has been the comment of several judges in the state that the number of white criminals brought before them in recent years was greater than ever before in their experience.

While these comparative figures may not indicate a vast increase in crime in this state, they indicate that despite our educational and social advancement, we are not becoming less criminal, as a whole, and that we have today at least as many, and probably more, law breakers proportionate to population than we had ten years ago. That is a situation that should challenge the serious thought of every citizen. After all, it is largely a problem for the individual who as a parent, a church member, and a citizen, must realize his individual responsibility to train good citizens, to seek to broaden the influences of religion, and to uphold the judiciary

and law officers and insist upon prompt administration of justice. As Mr. G. Croft Williams says:

> "The courts and prisons handle men after they become criminals. It is the duty of our communities and homes to diminish the courts' and prisons' work by sending out fewer persons who are destined to become enemies of the common good. Society is so closely knit together and the current of its life so intermingled that we cannot get rid of a vice except by having a thousand channels flow with goodness. Only the high purpose of organized citizenry can turn men from larceny and homicide toward labor and helpfulness."

Crime-1926

South Carolina

Concord, N. C. Tribune
JAN 8 - 1925

MORE WHITES THAN NEGROES IN JAIL.

There are more negroes in South Carolina than white people. And yet, for the first time, there are more whites in the prisons of South Carolina than negroes. The crimes of larceny and other similar crimes have increashed threateningly among the whites. "I can remember," says Judge Featherstone, of Spartanburg, "when it was the rarest thing in the world for a white man to be in sessions court except for fighting or homicide, but now three-fourths of the cases of house breaking and larceny and other similar crimes are committed by whites."

The Raleigh News and Observer says "North Carolina judges are astounded and alarmed and disturbed at the increased number of young white men brought before them for the same character of crimes that trouble the judges in our sister States." Persons attending Cabarrus Superior Court regularly must have noted that practically every judge who has served here in recent months has spoken of the fact that now there are more white than colored defendants in court.

Another South Carolina judge, in another part of the State, notes the same situation. Judge Henry is quoted as saying that "there is some excuse for a negro stealing. He was brought up in slavery, or his ancestors were, and he thought it little harm to seize a little of the property belonging to his boss, but in these days the race is on between the white man and the negro as to which will outnumber the other in the penitentiary."

Judge Henry says further:

"There is apparently a breakdown in reverence for the parental authority; if children have no regard for the authority of their parents, the chances are that they will have no regard for the law of the land. I believe in the wisdom of Solomon, 'Spare the rod and you spoil the child.'

"We are losing our sense of responsibility with our reverence. There is a cult growing up which says we have no fixed moral standards—this lack of standards may have its beginning in the home.

"We, however, can't correct that here—we can merely put on the penalty here—the penalty that was not put on by the parent."

The Columbia State, from which these quotations are taken, thinks there is "food for thought" in these presentations, and adds: "But if the swelling tide of evil among whites is to be checked and turned back, measures more potent than sorrowful thought must be found and applied."

What is the remedy? The question is the most serious now facing not only the people of North Carolina but the people of the entire United States.

Crime Decreasing Among Negroes; Increasing Among Whites

It should be a matter for general satisfaction that there have been so many public expressions recently by court officials concerning the decrease in crime among Negroes. Recently there have been statements from the bench in North Carolina and South Carolina to the effect that before the courts and in the prisons there is a noticeable decline in Negroes accused and convicted of crime and a corresponding increase of white offenders. While the JOURNAL AND GUIDE takes no pride in the fact that crime is increasing in any element of the population, it is interesting to note that the increase among whites and decrease among Negroes has recently been commented on by a number of influential journals, for the simple reason that it is a subject with wide sociological implications.

The State (Columbia, S. C.) in a recent editorial which is quoted in a news story elsewhere in this paper points to this general reversal of the dominant complexion of criminal court dockets in that state and concludes that in the subject there is "food for thought." *The State* makes no attempt to venture an explanation for this gaining the lead in disrepute before the law by white men of the South, but in an incidental reference to the political and economic status of the Negro in South Carolina it does remark: "He is making much, very much more money than he was ten years ago; and he does not require a compelling law to send his children to school. They troop there, rain or shine. He is dressing better and generally living better than he dreamed of doing a half generation ago."

Right there *The State*, whether it realized it or not, put its finger on the cause for the decrease of crime among Negroes. That single paragraph in the South Carolina paper's editorial provides an all sufficient explanation as to why the criminal record of Negroes in Southern communities declines in contrast with that of the whites. Half a generation ago when Negroes were providing three-fourths of the activity for county sheriffs and criminal courts in the South, is the same time when Negro education was struggling for a footing in that section. Now the record of education has a holding check upon the record of crime.

Here it is suggested that if South Carolina would remove the tremendous disparity between its annual per capita educational allottment for colored and white children, which is more than ten times as much for the latter as for the former, the Negro crime record of the state might all but fade away. On the other hand, why does crime among the whites increase simultaneously with the tremendous increase in educational advantages and wealth which that race enjoys?

W in Shameful Majority In Crime Says Southern Daily

37 More Whites Than Negroes In South Carolina Penitentiary; Criminal Court Judges Alarmed Over Mounting Lawlessness.

Norfolk Journal and Guide 1-16-26

There is, according to recent statements in the Southern press, a significant decline of Negro crime in certain States in the South and a corresponding increase of crime among whites. The State (Columbia, S. C.) in a recent editorial under the caption: "Whites in Shameful Majority" makes some very interesting allusions to this subject. The State's editorial which is printed in full below, reads:

"WHITES IN SHAMEFUL MAJORITY"

"Still holding a slight numerical majority is no factor in politics or government. In that field he is not in the minority merely; he is effaced. He has no part in making or administering laws. Whether he realizes he is happier under such conditions we do not know; but that he is, there is little question. He must derive some satisfaction from the fact that he can be held in no manner responsible for perennial complaints by his white neighbors that laws are not wise or properly enforced; that the legislature failed to do this or blundered in doing that; that taxation is unequal here, burdensome there, and dodged yonder.

"Nor does this effaced numerical majority complain that his progress is retarded by the white man's laws. His voice is not heard in complaint. As a matter of fact he is going forward. He is making much, very much more money than he was ten years ago; and he does not require a compelling law to send his children to school. They troop there, rain or shine. He is dressing better and generally living better than he dreamed of doing a half generation ago.

"But whatever he thinks of a minority to the point of total elimother arrangements must be made. inating the legislature, the Negro must find vast satisfaction in his change from a majority to minority status in one of South Carolina's chief institutions. It is not many years since so overwhelming was the majority of Negroes in the penitentiary that it was regarded practically as an institution for the incarceration of black criminals. But that is true no longer; the Negroes have lost the majority there, and the whites have captured it—a shameful victory!

"The census of prisoners on color lines taken at the State penitentiary within the week revealed 37 more whites than Negroes. In South Carolina we can not fall back upon the 'foreign element' or the 'scum of European cities' alibi; such components of population are practically unknown here. These whites who have forced the Negroes into second place are chiefly of the 'old American stock'.

"That census, of course, does not take into account chaingang or outside convicts, where Negroes doubtless predominate, but its showing for the whites is nevertheless deplorable, and two circuit judges felt impelled, upon opening their respective courts last Monday, to direct attention to lawlessness and the increasing part taken therein by whites. Judge Featherstone at Spartanburg did not hold the courts guiltless. He quoted with approval Chief Justice Taft as saying that our criminal courts are a game of chance with the chances in favor of the criminal; and with public sympathy for the criminal who is, by chance, convicted. Then he continued:

'The criminals now are not all Negroes, I can remember when it was the rarest thing in the world for a white man to be in sessions court except for fighting or homicide, but now three-fourths of the cases of housebreaking and larceny and other similar crimes are committed by whites. In Spartanburg county last year there were 138 whites convicted against 107 Negroes.'

"While Judge Featherstone was speaking in the upper part of the State, Judge Henry, addressing the grand jury of Richland county, at Columbia, was saying that time was when it was a rare thing for a white man to be indicted for larceny or for defrauding; those offenses were not committed by him; but in looking through the list of indictments, he found numbers of whites charged with those crimes.

"There is some excuse for a Negro stealing," said the judge. "He was brought up in slavery, or his ancestors were, and he thought it little harm to seize a little of the property belonging to his boss, but in these days the race is on between the white man and the Negro as to which will outnumber the other in the penitentiary." Lack of training in the home believes this judge, has something to do with this condition. He continued:

'There is apparently a breakdown in reverence for parental authority; if children have no regard for the authority of their parents, the chances are that they will have no regards for the law of the land. I believe in the wis-

dom of Solomon, "Spare the rod and you spoil the child.".

'We are losing our sense of responsibility with our reverence. There is a cult growing up which says we have no fixed moral standards—this lack of standards may have its beginning in the home.

'We, however, can't correct that here—we can merely put on the penalty here—the penalty that was not put on by the parent'

"Thousands will agree 'there is foor for thought' in such presentations. But if the swelling tide of evil among whites is to be checked and turned back, measures more otent than sorrowful thought must be found and applied."

Oxford, N. C. Public Ledger

JAN 12 1926

More White Than Negro Criminals

Crimes Of Larceny On the Increase Among Whites.

(News and Observere)

There are more negros in South Carolina than whit people. And yet, for the first time, there are more whits in the prisons of South Carolina than negroes. The crimes of larceny and other similar crimes have increasd threateningly among the whites. "I can remember," says Judge Featherstone, of Spartanburg, "when it was the rarest thing in the world for a white man to be in sessions court except for fighting or homicide, but now three-fourths of the cases of housebreaking and larcny and other similar crimes are committed by whites."

North Carolina judges are astounded and alarmed and disturbed at the increased number of young white men brought before them for the same character of crimes that trouble the judges in our sister State. It is a matter for serious reflection. What is the cause? And what is the remedy?

Another South Carolina judge, in another part of the State, notes the same situation. Judge Henry is quoted as saying that "there is some excuse for a negro stealing. He was brought up in slavery, or his ancestors were, and he thought it little harm to seize a little of the property belonging to his boss, but in these days the race is on between the white man and the negro as to which will out number the other in the penitentiary." What is the cause? Is there a remedy? Judge Henry says:

There is apparently a breakdown in reverence for parental authority; if children have no regard for the authority of their parents, the chances are that they will have no regard for the law of the land. I believe in the wisdom of Solomon, "Spare the rod and you spoil the child."

We are losing our senses of responsibility with our reverence. There is a cult growing up which says we have no fixed moral standards—this lack of standards may have its beginning in the home.

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The Columbia State, from which these quotations are taken, thinks there is "food for thought" in these prseentations, and adds: "But if the swelling tide of evil among whites is to be checked and turned back, measures more potent than sorrowful thought must be found and applied."

This deploration situation has come about with better roads, better schools, more automobiles and a general rise in the influences supposed to make for education and civilization. There is improvement in the institution, but the lack of discipline in the home and lack of respect for law seems to have grown, while institutions for education have grown apace.

What is the reason for growing crime among whites?
What is the remedy?

JAN 11 1926

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JAN 20 1926

White Prisoners Double Negroes

Interesting statistics relative to crime in South Carolina are revealed in the 1925 report of the state penitentiary now in process of preparation by B. E. Evans, captain of the penitentiary guard.

During last year a total of 382 new prisoners were brought to the institution. Of that number, according to the captain's report, 240 were white men and 98 were negro men. Of the remainder, 32 were Negro women and 12 were white women.

Five years ago, as pointed out in the captain's statement, during the year 1920, 137 new prisoners entered the penitentiary. Even then white men led in the classification, there being 65 white men admitted as compared with 55 Negro men. Only four white women were admitted tha year and 13 Negro women.

Of the 382 prisoners entering the prison in 1925, 169 of them were committed for larceny or some degree of larceny. Again it is seen in the captain's statement white men led with 111 commitments for that offense. Only 47 Negro men were sent in for larceny or some degree of larceny while 11 negro women and no white women were committed for larceny.

Of the 111 white men convicted and sent to the penitentiary for larceny, 95 were under the age of 30 years, many of them being in their early 20s. Thirty-two of the 47 negro men sent in for larceny were under the age of 30 years.

In 1920 commitments for larceny or some degree of larceny totaled 81. Topping the classification, 46 white men led as compared with 29 negro men. Only six women, four of them being negroes, were sent to the prison that year for larceny.

Likewise, white men led in the second largest group of crimes for 1925 —that of violation of the prohibition laws. Eighty-four white men were committed to the prison for some form of violation of the prohibition laws in 1925 as compared with 13 negro men for the same offense during the same period. Five years ago three white men and no negro men entered the penitentiary for that offense. Twenty women, 13 of them negroes and seven white, were committed to the prison in 1925 for violation of the prohibition law. Of the total of 117 prisoners sent to the penitentiary during last year for liquor offenses, 88 were under the age of 30 years. Seven prisoners were committed for similar offenses in 1920 and of that number, four were under 30 years of age.—The State.

More White Prisoners Than Negroes

Associated Negro Press

Columbia, S.C., Jan. 20th—Figures for 1925 compiled by officials of the state penitentiary reveal that during the year more than twice as many white prisoners were admitted as Negroes, although the population figures for the state show that the number of Negroes and whites is about even. This is a record which the whites have maintained for a number of years back and which caused one of the leading judges of the state to charge recently that the whites were getting worse as the Negroes grew better. The chief crimes for which the whites are jailed are stealing and bootlegging. Most of the white women imprisoned were found guilty of infractions against the prohibition law. The age of most of the criminals is below thirty. Last year 240 white men were put in the penitentiary as against 98 colored men.

Crime-1926

South Carolina

More White Than Negro Criminals

WHAT'S the matter with the white folks of South Carolina?

There are more negroes than whites in the Palmetto State, but during the past year there were more whites than negroes convicted of crime in the courts of South Carolina. What is the explanation?

PETERSBURG [illegible] LEADER

JANUARY 8, 1926

Whether anybody is in position to answer this question is doubtful. How shall we account for the startling increase of convictions for larceny among the white people of South Carolina? Judge Featherston, of Spartanburg, is quoted by the Columbia *State* as saying that while he can remember the time when a white man rarely was in court on any charge other than homicide or breach of the peace, "but now three-fourths of the cases of house-breaking and larceny and other similar crimes are committed by whites."

Judge Henry, of South Carolina, also is quoted to the effect that there is some excuse for the negro who is guilty of petty larceny. He or his ancestors were born in slavery and it did not seem wring to appropriate something belonging to the master. "But in these days," adds Judge Henry, "the race is on between "the white man and the negro as to which will outnumber the "other in the penitentiary."

And there is no doubt about it that the white man is winning.

The fact that the prison population of South Carolina now is made up more largely of whites than of blacks, in spite of the fact that there are more negroes than whites in the State and in spite of the further fact that the white man generally is provided with abler counsel than the colored defendant, we regard as a fact of which the colored race should be prouder than of almost any other which has developed in the years since slavery was abolished in these United States.

South Carolina Whites Feel Sting Of Crime Superiority

Columbia, S. C., Feb. 10 (ANP)—Publicity as a cure for the unpopular position of white citizens of South Carolina in the state's crime records, is believed to have been resorted to by various public agencies with the aid of the newspapers. The responsible element of whites is taking the matter seriously to heart and is trying to reduce white criminality by looking the facts squarely in the face and showing all whites just how bad the action of the criminal element is.

Figures compiled for January and covering this city show that whites continue to lead Negroes in committing crimes. There were 246 cases involving whites and 244 involving negroes.

The State, the leading daily of South Carolina, comments editorially on this "White Majority" in the following interesting and frank manner:

"There are dark spots" whose illumination is not cheering, but keeping them dark cannot be helpful. Commenting on the fact recorded by The State some days ago that there was a substantial white majority of convicts in the penitentiary, a South Carolinian attributed that condition to the much larger number of whites convicted for distilling and bootlegging. That view appears prevalent. The figures, however, do not sustain it. It is true, many more whites than Negroes are sent to prison for violation of the prohibition laws, but that is only a partial [illegible] dishonest, stealing, [illegible] possible. The fact is distressingly ugly.

"An official report shows that in 1920 the admissions to the state penitentiary numbered 137; divided by races and sex as follows:

White males, 65; colored males, 55; white females, 4; colored females, 13.

"Of these, 46 white men and two white women, and 29 Negroes men and four Negro women were committeed for different degrees of larceny; while three white men and two white women, and two Negro women and no Negro men wer committed for violation of the prohibition law.

"Study those figures of five years ago. Sixty-nine whites and 68 Negroes were admitted to the penitentiary fifteen more whites than Negroes were sent there for the crime of larceny.

"Now turn to the official record for 1925, when 382 convicts—more than twice as many as in 1920—were received. Their classification by race and sex is thus recorded:

"White males, 240; colored males, 98; white females, 12; colored females, 32.

"Here we have a white majority of 122, compared with a white majority of one five years before. What were their crimes? Here is the record for LARCENY in its different degrees:

"White males, 111; colored males, 47; white females, none; colored females, 11.

"The white majority of convicts committed for larceny is 53.

"Those committed for violation of the prohibition law were classified as follows:

"White males, 84; colored males, 13; white females, 7; colored females, 13. Here the white majority is 65.

"These two classes of crime account for 118 of the 122 majority of whites committed. The number of Negro men sent to the penitentiary for larceny in 1925 was eight less than in 1920; the number of white men sent there for larceny in 1925 was 46 greater than in 1920."

What is the explanation of this seeming break down of standards and slump in moral tone?

Columbia S.C. Newspaper

JAN 19 1926

WHITE PRISONERS DOUBLE NEGROES

At Least Almost Twice as Many Enter.

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During last year a total of 382 new prisoners were brought to the institution. Of that number, according to the captain's report, 240 were white men and 98 were Negro men. Of the remainder, 32 were Negro women and 12 were white women.

Five years ago as pointed out in the captain's statement, during the year 1920, 137 new prisoners entered the penitentiary. Even then white men led in the classification, there being 65 white men admitted as compared with 55 Negro men. Only four white women were admitted that year and 13 Negro women.

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Of the 111 white men convicted and sent to the penitentiary for larceny, 95 were under the age of 30 years, many of them being their early 20s. Thirty-two of the 47 Negro men sent in for larceny were under the age of 30 years.

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Smithfield N. C. Herald

JAN 19 1926

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What is the remedy? The question is the most serious now facing not only the people of North Carolina but the people of the entire United States.—Concord Times.

Gastonia Gazette

MAR 11 1926

ELEVEN TO ONE RATIO OF WHITES TO BLACKS

Caucasians in Cherokee County Jail Have Large Majority Now.

Of an even dozen prisoners held in the Cherokee county jail awaiting trial at the term of court to convene here March 22, only one is a negro, according to Sheriff Jesse G. Wright.

Eleven white men are being held under various charges. Roland Sarratt, the negro prisoner, is accused of assault and battery with intent to kill. He is alleged to have shot Jim Guyton, another negro, several days ago, the wound causing Guyton's leg to be amputated above the knee. The latter was reported improving at the City Hospital here yesterday.

One white man, Hilton Parker, was transferred from the jail to the county chaingang yesterday to serve a sentence of 30 days imposed by Magistrate J. W. George on a charge of gaming. A similar sentence given Parker for trespass was suspended by the magistrate during his good behavior.

MAY 20 1926

THE NEGRO—AND CRIME

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Johnston - S.C.

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Crime - 1926

Tennessee.

Sheriff Is Still Boss.

Sheriff Knight has discharged five more of the deputies working out of magistrates' offices. The sheriff's office has had a great deal of trouble with this class of officers. The little authority given these paper servers has been used illegally by some of them to prey on the ignorant and unfortunate.

Last year one of them was sent to the penitentiary for shooting to death an innocent negro woman on a Shelby County road. The "deps" had been out making raids. It was alleged they were holding a "road-side court" when the negress passed in an automobile. Without cause or warning, one of the "deps" fired into the passing car and killed the woman.

That unjustifiable homicide aroused the sheriff. He gave orders that no more criminal processes were to be served by magistrates' deputies or raids made without his knowledge and consent. That was just what he should have done. The staff working out of his office, under his direct supervision, is amply able to take care of the criminal end of the business.

The sheriff charges that the five deputies discharged Wednesday ignored his orders and practically defied their superior officer by setting out on further raiding expeditions.

Further than that, he alleges that after arresting 30 or 40 negro craps shooters Saturday night, they waited until the owner of the place showed up, bargained with him, and finally agreed to accept fines and costs for eight of the prisoners in settlement of the entire matter.

Such proceedings are not only illegal, but disgraceful. Not even the sheriff himself has authority to try or compromise for a monetary consideration with men under arrest.

There are too many magistrates' offices in Memphis. There are too many deputies working out of them. There isn't enough legitimate business to support all of them, so some of the "deps" go out and make business.

If only legitimate business, transacted in a legal way, passed through these magisterial offices, there would not be half enough to go round, and 50 per cent of the magistrates and deputies would have to quit business.

Sheriff Knight has given his orders. They have been disobeyed and those accused of disobedience have been fired.

The determination of the sheriff is encouraging. He has served notice that he is still boss.

We rejoice in the fact, for it gives hope of putting an end to an evil that has been a plague to this county.

Justice.

A former magistrate and two of the deputies who served under him are to serve six months in the workhouse, having been found guilty of official extortion. The charge was that they took $50 from a negress, as costs in a case in which she was interested, when the costs should have been less than one-half of that amount.

A jury found the trio guilty. Punishment was fixed at $100 fines in each case. The trial judge was courageous enough to add, on his own initiative, a sentence of six months. The supreme court has just affirmed the case, and the sentence.

The system of the minor judiciary of Shelby County—as represented by the courts of the justices of the peace—is a bad system. It puts the power of oppression into the hands of a few men. Sometimes this power is abused. Sometimes this abuse is so flagrant that the high sheriff of the county is forced to withdraw certain powers of law enforcement from the deputies attached to the courts of certain magistrates.

Sometimes a high minded man runs for the office of justice of the peace. Sometimes he is elected and his office thereafter functions as should the office of a real law enforcement agency.

But sometimes a man not so high minded is elected. And his office functions as might be expected.

The time has come to rout out the rotters. We are glad to see one of the guilty men sent to prison.

A man who will dispense "justice" from beneath the sanctity of a judicial robe, when his "justice" is nothing more than oppression, deserves to spend some time behind prison bars.

Black-Faced White Man Held for Investigation

(Preston News Service.)

NASHVILLE, Tenn., April 19.—E. C. Cornett, a young white man, disguised himself as a Negro and was found in what is known as Black Bottom, a section of this city, early Wednesday morning. He was arrested by the police on a charge of vagrancy. Cornett told the police that he is a student at Cumberland University.

DECRIES NEGRO HOMICIDE RATE

Memphis, Tenn., Sept. 4—Praising the law enforcing agencies of the State of Tennessee for the consideration shown to Charles Barr, the "petting party" murderer, who was recently electrocuted at Nashville, the Rev. Sutton E. Griggs, at the Tabernacle Baptist Church Sunday morning, deplored the prevailing high homicide rate among Negroes.

"In St. Louis, Mo., we constitute about ten per cent of the population," explained Dr. Griggs, "but "but engage in about 64 per cent of the killings. In our city Negroes kill one another far more frequently than is the case with any other element of the population. Statistics gathered by the Metropolitan Life Insurance Company show that Negro males between the ages of 15 and 35 have a homicide rate about ten times that of white males."

EXCUSING THE MOB

Remove the causes which provoke the mob and there will be no mob violence, is the parrot like chorus of the apologists for such violence. One might as well say that remove the causes for crime and there will be no necessity for criminal law. Of course that is the ultimate object of the Christian religion, and for that matter, of all religions. It is the high aim of the spiritual forces to turn men from the paths of sin. If all men were good and their conduct was in accordance with the Golden Rule there would, of course, be no necessity for laws and courts and prisons.

It is the theory of organized society, of the established order, that the law and its varied agencies provide a remedy for every wrong, real or imaginary, public or private. That is why people are taxed to support the courts and the prisons. Likewise government is necessarily based upon the premise that within its realm it must be supreme; it can have no rivals; there must be no government within government. No individual or group of individuals, except as they function through the state and its agencies, have any power or right to adjust any of the wrongs that may be perpetrated against society.

Under our system of government the people are the absolute masters. They have just the kind of government that they deserve. They elect all of the responsible officials, they make up the juries. Hence the talk about a failure to remove the causes for mob violence being a justification for the mob, which is nothing but treason to the state, is all bumcomb. It is not decent nonsense. The mob usurps the functions of the state; it is open defiance of the law. It cannot exist without ultimately undermining all the foundations upon which the structure of government exists. The alleged "causes" for mob violence will never perhaps be removed short of the millenium. Bootlegging is given generally as an excuse for the activities of the mob. And yet the offense that a mob does against society is infinitely more deadly than any assault that a skulking bootlegger can make upon it.

Crime—1926 Texas.

JUDICIAL MISREPRESENTATION OF OUR RACE.

During the autumn term of the federal court in the West Texas district, presided over by Judge Duval West, he handed down one decision, in sentencing a colored man for theft of a typewriter at Fort Sam Houston, government military reservation, that does the Negro race a grave injustice.

Houston Informer

In substance, this federal judge's decision was that the Negro is constitutionally a purloiner or thief of unguarded valuables, ranging from cigars to typewriters, and that the Negro's mental capacity or lack of it confers upon the race certain immunities from punishment.

2-20-26

In commenting upon his decision this jurist stated that every employer of Negro employes, either in his business or around the house, knows his (the Negro's) predilection for picking up unguarded things.

Houston, Texas.

Undoubtedly this learned federal judge was basing his opinion more on racial prejudice and judicial arrogance, or his personal acquaintance with some Negro thief or criminal, than upon facts and statistics; for when the vast number of colored persons employed by white employers is considered and then the small number of these among this exceedingly large number of race employes who commit theft or purloin something belonging to their white employers, is considered, it will show that even a learned man like Federal Judge West must have been "unguarded" in this mental reservoir when he handed down such an unfair and harmful opinion.

The black man is no more a thief or purloiner, inherently or constitutionally, than a man of any other race in our country; for, if The Informer's mental and journalistic eyes are not dimmed, it looks like even Judge West's race is producing a bumper crop of thieves, purloiners, burglars, hijackers, highwaymen, robbers, confidence men and whatnots, who are taking, by force, both "guarded" and "unguarded things" in this country with painful regularity.

Not only do they not stop with typewriters and such small articles, but those criminals of the judge's racial family are going our colony one better, and are stealing everything, from everybody, everywhere and under every and all conditions.

The branding of the entire race as being inherently possessed with a predisposition and predilection for stealing, even by a low, vicious gutter-snipe and ward-heeling politician, is a mean and dirty trick; but for such an opinion to be handed down from the bench of a United States district court, by a federal judge, is a staggering blow below the belt and shows that the jurist is either minus a sense of justice and fairness to men of all races, or he is very economical with veracity, or he engages in oral diarrhoea without any knowledge of facts or statistics concerning the matter he endeavors to discuss so fluently, freely and forensically.

The Informer holds no brief for the colored thief, nor any other type of criminal; but, this paper has long since observed and discovered that criminality has no patent or copyright upon any particular race; and the antequated and antedeluvian doctrine that the Negro is a natural born criminal and absolutely lacking in the finer sensibilities, attributes and virtues, is as fallacious as it is malicious, malignant and misrepresenting.

No man ought to take advantage of his judicial ermine or official position to malign and misrepresent any man or race; for the ermine of a judge presupposes, typifies and is emblematic of unstained purity, unimpeachable integrity, fairness, justice, honor and wisdom.

Above all men, a judge is supposed to give many his ear, but few his voice; and his opinions should be based on facts, figures and the law and his judgments should always be tempered with justice, fairness and mercy, ever remembering that our penal system is primarily designed to save and not to destroy men who come within the purview of the court for infraction and violation of the written statutes.

King Solomon, the wise man of Biblical days and pronounced as the wisest man that ever lived, never in all his wise career sought to hand down an opinion as far-reaching and comprehensive as our San Antonio jurist has attempted to do; which, to our mind, is a compliment to the ancient Jewish ruler.

Such judicial misrepresentation of the Negro race or any other race, places a stigma and brand upon said race that even time will find difficult and onerous to remove and eradicate; for judicial doctrines and opinions are generally swallowed gullibly by the unthinking public, and racial foes are ever on the alert for such judicial and official dicta to employ in their campaign of hostile and prejudicial propaganda.

If the newspaper version of Judge West's opinion and slur upon the entire Negro race is correct as quoted in the San Antonio Express, then this distinguished jurist has done the race a grave and gratuitous injustice, and no amount of explanations can undo the harm this "unguarded" statement will do our racial contingent; and he further shows himself disqualified for the high position he now occupies, which, apparently, came through political preferment instead of judicial ability. Selah!

8 NEGR[O] [I]S INDICTED IN BELL KILLING

Dallas, Texas, February 16.—(AP) Eight negroes today were formally charged with murder in connection with the killing several weeks ago of C. M. Isbell, motorcycle policeman.

Six of the negroes are in jail and, according to District Attorney Shelby Cox, have admitted that they were occupants of the automobile from which the fatal shot was fired. Two other negroes, S. A. Robins and Forest Robins, are at liberty.

Isbell was shot by occupants of a car he had halted for speeding. As he rode alongside the automobile a shot rang out and he fell dead.

The two men at large were indicted by a grand jury. The other six were charged with murder in a complaint filed in a justice court.

Corsicana Texas 2-17-26

Galveston Texas

BLACK, BUT WHITE

Some few days ago a robber entered one of Fort Worth stores and after dealing the proprietor several blows on the head, knocking him unconscious, with "pop" botltes, robbed him of a little more than one hundred twenty-five dollars. Sufficient evidence has been produced to warrant the placing of a white man under a ten thousand dollar bond for the offense, it being the contention that he had given his face and hands an unusual good bath in blacking to prove that he was a Negro, and to add a greater disrespect to that weaker race, because it sometimes goes well. There is a slangish expression among ome Negroes that goes as this, "We are getting more like white folk every day," but it can be truthfully said of this class of white man, "He is trying to get more like the Negro every day —on the outside, but not inside."

10-9-26

The Fort Worth detectives deserve credit for the manner in which they have handled the case. This case is believed to be typical of many of the crimes being committed in many sections of our country, that have been charged to the Negro and for which the entire race has been criticized. While there are some bad Negroes as is true of other races, the average Negro is law-abiding and is opposed to lawlessness that is very often charged to him. We believe a brighter day is dawning upon the Negro whereby the nations of the earth will see that he has been persecuted without cause and will render him a just consideration. Surely such acts as the blacking of the face as done by the party referred to above, and the prividential turning on of the light upon his disgraceful acts, substantiate such a belief.

Fort Worth Texas

TEXAS' INIQUITOUS "FEE SYSTEM!"

Much has been said and written about and against the iniquitous and infamous fee system of Texas, yet, with all its evils, ills and defects, there has never been any concerted action to abolish the system and consign it to the scrap-pile with other dark-age and obsolete methods of dealing with crimes and criminals.

We have read interesting and illuminating articles in daily newspapers, regarding the operations and activities of certain fee-grabbing officers in certain counties; who make promiscuous raids, with colored people as their chief victims, and then get the justice of the peace out of his bed and compel these often innocent and defenseless persons to plead guilty to various and sundry crimes.

Houston Informer

This system of colored people pleading "guilty" to charges is no uncommon practice in the South, whose section is blighted and dwarfed by the high-handed, unscrupulous and unprincipled actions and deeds of so many of its peace and constabulary officers, who eke out a bare existence or grow wealthy and fat, fleecing and filching the helpless, innocent and defenseless colored citizens out of their meagre means on finable charges and accusations.

Next to lynch-law, the iniquitous fee system has done more to stimulate the exodus of the colored brother to the North and East and cause dissatisfaction among those remaining here than any other form of Southern injustice and inequality; for it is nothing more or less than legalized lynch-law.

2-27-26

It matters not whether the accused is guilty of some crime or not, if the arresting officer or officers say that the black man or woman (as the case may be, as they raid and arrest nearly as many women of the race as they do men) is guilty of some crime, he or she is guilty and all the witnesses under high heaven can not influence the court's verdict to the contrary.

Houston Texas.

One Texas justice of the peace said to a colored man during the last week of his tenure in office, "Boy, we know you are not guilty, but we need the money!"

The idea seems to prevail in these circles that some persons must serve as goats or sources of revenue for these hungry officers, and the black people can be led like sheep to the slaughter, under ordinary circumstances, and virtually robbed of their little mites and meagre finances.

We once heard a presiding officer of a court in a Texas city say: "John, you had a right to do so and so, but I fine you $8 and cost."

Catch that "cost?" Well, that little "cost" is what makes a small fine assume mammoth proportions.

To illustrate: We know a colored man who was arrested on a trivial offense and after fighting his case, was fined "$1 and cost;" but when he got through paying the "cost," it had passed the $100 mark.

Practically every county officer got his out of that "cost," and, because this is their chief and main method of earning a salary, they often "frame" persons, arrest them at night, try them at night and get theirs out of the "cost" between suns.

If the fee system were abolished, officers would not arrest persons just to get some money for "fat, juicy steaks," as we heard one fee-grabbing officer say in a justice court in a Texas town, where the court held that the colored brother, though not guilty by the evidence, would pay "$1 and cost."

Talk about your graft and crookedness, but the fee system is a prolific source of such procedure, entirely out of keeping with decent and honest criminal jurisprudence.

It outrages justice, makes mockery of honesty and decency, prostitutes and debases supposed minions and guardians of the law, flaunts defiance in the face of the accumulated wisdom of the ages, renders and maintains our Southern species of civilization a huge joke and is fundamentally at variance with and in direct contravention to the basic principles of criminal law and court procedure.

Like mob-law, if unrestrained and licensed to run its course without let or hindrance, the iniquitous and infernal fee system will ultimately engulf the South in a mighty maelstrom and wreak havoc upon our body politic.

Let's abolish the damnable and diabolical system in Texas, or it will eventually prove a cancer and consume our very vitals!

Crime—1926

Virginia.

6

RICHMOND CASE TO BE RE-OPENED

RICHMOND, Va., June 24. — Spurred on by public sentiment in the face of the most severe penalty ever meted out to a woman in this state on a similar charge, a petition for permission to re-open the case of Mrs. Susie Boyd, mother of a six-months old infant who was sentenced to 30 years in the penitentiary AFTER PLEADING GUILT in Hustings Court last Wednesday to three indictments, charging forgery.

The petition was presented by H. W. Oppenheimer, the woman's attorney, to Judge W. G. Matthews, upon the insistence of M. A. Norrell and C. H. Page, prominent Race men of this city. The ministers and the local branch of the N. A. A. C. P. are under fire for their apathetic attitude.

That the case be re-opened, that the mother be allowed to plead not guilty before a jury and that the sentence be suspended was the request of the lawyer.

Lawyer in Wrong Court

One of the topics under discussion at the motion for a retrial was the fact that her attorney was not present at the trial, he having been given the impression that the case was to be tried in the Police Court. Before he arrived at Husting's court the woman had been sentenced. It developed that Mrs. Boyd was formerly employed as a domestic on the Oppenheimer plantation, and that the lawyer's reason for defending her was largely based on sentiment.

The woman's sentence followed her admission that she had forged 21 small checks in her former employer's name and got $183 on them. She changed positions, she put her knowledge to ill-use. She forged 22 small checks in her former employer's name and got $183 in them. She was arrested and had three indictments for forgery returned against her. She made no effort to get counsel until almost the eve of the day she was to be arraigned in hustings court. Then she was so vague about the case that her lawyer understood she was to appear before Judge Ingram. Before he found she was in hustings court her case was called. She deserved punishment and doubtless she expected to get it, for forgery is a serious and a spreading offense, against which the public must be protected. She was not asked if she had or wished counsel. She pleaded guilty and, as far as she knew how to do so, threw herself on the mercy of the court, which meant that no jury passed on her fate. She was sentenced to the penitentiary for ten years on each indictment, a total of 30 years. This is the longest sentence —short of life—imposed in the hustings court in the recollection of the newspaper reports, except in the case of Dewey Crawford, colored, who in October, 1924, was given 40 years for burglary.

Susie got as heavy a sentence as George Marcopoulos received for killing Woodson Wright last February. She has a penalty twice as heavy as that put on Robert Green, colored, who cut the throat of his wife, called the undertaker, and then surrendered himself. Susie goes to the penitentiary for five years more than Joe Miller, colored, who was convicted of first-degree murder on May 18. She has ten years more to serve than Morris Rose, colored, who was given 20 years on January 14 for homicide. For forgeries amounting to $183, she is sentenced on a plea of guilty, while unrepresented by counsel to twice as long a term as was measured out on April 15 to a white man convicted of attempted rape.

It is not necessary to compare 30 years for forgery by this Negress with a suspended sentence of two years entered in police court the following day against an unfortunate, neurotic white woman accused of stealing $13,000 of goods from Broad street merchants. Nor is it necessary to contrast 30 years for Susie with the sentences of others recently tried on multiple charges. Three young white men were in hustings court, part I., on April 23, under eight indictments and charged with entering eight different garages. They were convicted on one indictment, whereupon the others were dropped. Two of the three received five years. The third, originally given a like term, was let off with six months in jail and a small fine because of his youth and physical condition—that for alleged entry of eight garages and 30 years for stealing less than $200 by forging a name! On January 12 a white man was tried on five charges of forgery, as compared with Susie's three. He was convicted and given two years on each of the charges, but the sentences are to run concurrently. Susie's three sentences are added one to the other, ten, plus ten, plus ten, till they reach thirty. It scarcely matters that the three indictments on which she was convicted represented only three of the twenty-two small checks she had drawn. The total amount represented by the three checks was $29.

Contrast and comparison might be made between sentences imposed on those who were and on those who were not represented by counsel in hustings court, part I., but further dates and additional names are beside the mark. Virginia people can have only one opinion of this woman's punishment and its effect. It is abhorrent, not deterrent. British experiences proves that. For centuries England had a law under which forgery was punished with death, and only with death. Juries rebelled against sending to the gallows all offenders who had criminally procured trifling sums of money by the use of other people's names. "Not guilty" was the stubborn answer of the jury in many cases where guilt was proven. At length, the crown lawyers had to petition parliament to change the statute and to abolish the death penalty for forgery, in order that they might procure any sort of conviction for the crime. In America, even when "cruel and unusual punishments" are not of the sort to be set aside by the appellate court, they always outrage public feeling and react on juries. If a judge imposes too heavy a sentence on a prisoner who pleads guilty and has no trial by his peers, it is almost certain that a jury trying a like case subsequentoly will impose what is equally bad for society—a sentence much too light.

This is said with all respect for the court, in the knowledge that forgery is not a crime to be condoned or made easy, and in the conviction that the court's action represented what it believed was for the protection of honest people. It is for the "golden mean," softening severity, that The News-Leader appeals—the mean that is missed sometimes by the best of men and with the best intentions.

Views of Other Editors

ABHORRENT, NOT DETERRENT
(From Richmond, Va., News-Leader)

Susie Byrd is a Negress, about 30 years old. She has had some crude schooling and she possesses cunning of a sort. While she was working in an uptown home she frequently went to bank for her mistress and learned something of checks and the way are handled. After she had

The Susie Boyd case of Richmond, Va., has served to give to the country a stalwart advocate of simple Justice for all men and women alike. The News Leader, a Richmond daily, with a timely editorial, has rendered Virginia and the South such a splendid service, we offer it in full as encouragement to us who frequently feel and say the South is lost beyond redemption. Read the following and take courage.—The Editor.

SUSIE GETS SIX YEARS

Judge Mathews is to be commended for having the courage to correct a plain judicial mistake in the case of Susie Boyd, whose sentence of thirty years for forgery he yesterday reduced to six.

The News Leader never assumed for a moment that Judge Mathews intended to let the sentence of thirty years stand. The paper believed the judge wished to warn the colored people against forgery and that he purposed, after Susie had been some time in prison, to ask the governor to release her. In this way, as The News Leader reasons it, the court thought it would serve the large end of deterring other colored people from this crime without imposing too great hardship on this particular offender.

The mistake was in the effect this sentence had on the colored population and in the effect it was apt to have on trial juries. As The News Leader stated at the time, the sentence appeared abhorrent, rather than deterrent. Instead of making the Negroes look on forgery as a crime that was punished almost as heavily as murder, it made them doubt if they were getting the same sort of justice as white people. There was no answer to the "deadly parallel" John Mitchell drew in *The Planet* immediately after Susie's conviction—thirty years for forgery amounting to $183 and a two-year suspended sentence for a white woman convicted in police court of shoplifting $13,000 worth of merchandise.

Nothing quite so damaging to good racial relationship has been done in Richmond in years. Nothing so discouraged those who have been trying to convince the Negro that he can live safely and happily in the South. That, primarily, was the reason The News Leader took up the case, though the paper hopes the time will never come when an individual who has received injustice cannot look to The News Leader or to any other newspaper in Virginia for assistance, even when nothing is involved but the fate of that individual, however humble.

It was not necessary for any association interested in fair dealing to employ counsel for Susie. Responsible colored leaders were given assurance, as soon as Susie was convicted, that her sentence woudd not stand, and that assurance would have been fulfilled even if the woman had had no lawyer. This is not said to discredit either Mr. Oppenheimer, who took Susie's case as an act of charity, at her instance, and proceeded with skill, or Mr. Moss, who was retained by a colored organization, and usefully served her. The statement is made simply in the hope that the colored people will know they have friends among the white people of Richmond who will always help them in distress if only the facts are made known.

The News Leader does not believe that any Negro unrepresented by counsel is going to suffer hereafter from undue severity in hustings court, part I. A judge who manfully corrects a first mistake, openly and in daylight, is not apt to make a second of the same sort. The News Leader anticipates, on the other hand, that he will see that undefended Negroes are given counsel and that where they insist on pleading guilty without counsel, they receive as large a measure of mercy as the circumstances permit.

All the judges and all court officials of Virginia should remember that justice is put on trial in its dealing with two classes of people—those who have great influence and those who have none. It is as much a disgrace to justice to show harshness to the weak as it is to be subservient to the strong. The color-line ought to end at the bar. Not even in the police court, in trying the very roughest Negroes, should there be either levity or hustling or any of the "come-along-here-nigger" tone. No matter how low the individual offender may be, or how often he has been in court, the Negro is human and has human sensibilities, sharpened in distress, and even if this were not so, jealously for the good name of Virginia justice should prompt the fullest dignity, the largest consideration in dealing with any culprit. If the Negro is not protected in the courts, where can he look and what can he hope?